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DISTRICT I

November 19, 2024

To:

Hon. Jean M. Kies
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Douglas C. McIntosh
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Christian Gabriel McGill 713731
Supervised Living Facility
P.O. Box 10
Winnebago, WI 54985

You are hereby notified that the Court has entered the following opinion and order:

2023AP1773-CRNM State of Wisconsin v. Christian Gabriel McGill
(L.C. #2022CF1174)

Before White, C.J., Donald, P.J., and Geenen, J.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Christian Gabriel McGill appeals from a judgment, entered on his guilty pleas, convicting him of false imprisonment and strangulation. Appellate counsel, Douglas C. McIntosh, has filed a no-merit report, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2021-22).¹ McGill was advised of his right to file a response, but he has not responded. Upon this court's independent review of the record, as mandated by *Anders*, and

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

counsel's report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment.

A criminal complaint charged then-eighteen-year-old McGill with third-degree sexual assault, physical abuse of a child, false imprisonment, and strangulation and suffocation based on allegations made by his seventeen-year-old girlfriend, K.M.H., to Milwaukee police while she was being treated at the hospital. McGill eventually agreed to resolve the case with a plea. In exchange for guilty pleas to false imprisonment and strangulation, the State would dismiss and read in the other two offenses. The State would further recommend a prison sentence without specifying a length, and McGill was free to argue for probation. The circuit court accepted McGill's pleas and later sentenced him to three years of initial confinement and three years of extended supervision on each of the two counts, to be served concurrently. McGill appeals.

The first potential issue discussed in the no-merit report is whether there is merit to appealing the validity of McGill's guilty pleas. To be valid, a guilty plea must be knowing, intelligent, and voluntary. *See State v. Bangert*, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). To that end, a number of requirements have been established for circuit courts accepting guilty pleas as a way to help ensure such pleas are properly entered by the defendant. *See, e.g.*, WIS. STAT. § 971.08; *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906 (listing circuit court duties).

This court is satisfied that the no-merit report properly analyzes this issue as being without merit. Our review of the record—including the plea questionnaire and waiver of rights form and addendum, the attached jury instructions for false imprisonment and strangulation that were initialed by McGill, and the plea hearing transcript—confirms that the circuit court

complied with its obligations for taking guilty pleas, pursuant to WIS. STAT. § 971.08, **Bangert**, and **Brown**. There is no arguable merit to challenging the validity of McGill's guilty pleas.

The other potential issue discussed in the no-merit report is whether there is merit to appealing McGill's sentences. Sentencing is a matter of circuit court discretion. *See State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. At sentencing, a court must consider the principal objectives of sentencing, including the protection of the community, the punishment and rehabilitation of the defendant, and deterrence to others, *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76, and determine which objective or objectives are of greatest importance, *see Gallion*, 270 Wis. 2d 535, ¶41. In seeking to fulfill the sentencing objectives, the court should consider several primary factors, including the gravity of the offense, the character of the offender, and the protection of the public, and it may consider other factors. *See State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695. The weight to be given to each factor is committed to the circuit court's discretion. *See id.*

Our review of the record confirms that the court appropriately considered relevant sentencing objectives and factors. Although the sentence on each count was the statutory maximum, the sentences were set to run concurrently; the resulting six-year term of imprisonment is within the maximum twelve-year range authorized by law, *see State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and is not so excessive so as to shock the public's sentiment, *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We are satisfied that the no-merit report properly analyzes this issue, and we agree that there is no arguable merit to challenging the circuit court's exercise of sentencing discretion.

Our independent review of the record reveals no other potential issues of arguable merit.

Upon the foregoing, therefore,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Douglas C. McIntosh is relieved of further representation of McGill in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals