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DISTRICT III

January 22, 2025

To:

Hon. James A. Morrison
Circuit Court Judge
Electronic Notice

Caroline Brazeau
Clerk of Circuit Court
Marinette County Courthouse
Electronic Notice

Kathleen A. Lindgren
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Raul Martine Saldana 340712
Redgranite Correctional Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

2023AP1172-CRNM State of Wisconsin v. Raul Martine Saldana
(L. C. No. 2021CF281)

Before Stark, P.J., Hruz and Gill, JJ.

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).

Counsel for Raul Saldana has filed a no-merit report concluding that no grounds exist to challenge Saldana's convictions for possession with intent to deliver three grams or less of methamphetamine, as a party to a crime, and possession of a firearm by a felon, contrary to WIS. STAT. §§ 961.41(1m)(e)1. and 941.29(1m)(a) (2021-22),¹ respectively. Saldana was informed of his right to file a response to the no-merit report, and he has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we

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

conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The State charged Saldana with possession with intent to deliver three grams or less of methamphetamine; possession of tetrahydrocannabinols (THC), as a second and subsequent offense; possession of drug paraphernalia; possession of a firearm by a felon; and felony bail jumping—the first three charges as a party to a crime. The complaint alleged that law enforcement checked the license plates of a vehicle that was registered to Saldana, and they learned that the plates had been cancelled and that Saldana’s driver’s license was suspended. Officers believed that the suspect in a recent attempted homicide might also be in the vehicle with Saldana. During a stop of the vehicle, other officers, including a K-9 unit, arrived to assist. While the officer who initially made the stop was completing paperwork, the K-9 unit walked around the car and provided a positive indication for the presence of illegal drugs “almost immediately.” During a search of the vehicle’s trunk, law enforcement found a pistol, drug paraphernalia, approximately one ounce of THC, and a baggie with “large shards of suspected methamphetamine.” Field testing confirmed that the substance tested positive for methamphetamine and weighed 1.175 grams (with the bag). Dispatch confirmed that Saldana was released from custody on bond for felony offenses.

In exchange for Saldana’s no-contest pleas to possession with intent to deliver three grams or less of methamphetamine, as a party to a crime, and possession of a firearm by a felon, the State agreed to recommend that the circuit court dismiss and read in the remaining counts. The State also agreed to recommend two years of initial confinement followed by two years of extended supervision for the drug charge and one year of initial confinement followed by three years of extended supervision for the firearm possession charge, with the sentences to run

consecutively to each other and to any other sentence Saldana was serving. Out of a maximum potential sentence of twenty-two and one-half years, the court ultimately imposed consecutive sentences resulting in an aggregate twelve-year term, consisting of seven years of initial confinement followed by five years of extended supervision. The court also deemed Saldana eligible for the Substance Abuse Program (SAP) after serving four years of initial confinement.

Saldana filed a postconviction motion for sentence modification that did not challenge the legality of his sentences. Rather, Saldana asked the circuit court to exercise its discretion to either remove the requirement that he serve a four-year period of incarceration before becoming eligible for SAP or to reduce his incarceration time and increase his extended supervision time. In support of his motion, Saldana cited his mother's recent cancer diagnosis and his desire to assist her. Saldana also noted that he had no major conduct reports and no discipline for violent, aggressive, or disorderly behavior since beginning his sentence. After a hearing, the court denied the motion.

The no-merit report addresses whether Saldana knowingly, intelligently, and voluntarily entered his no-contest pleas, whether the circuit court properly exercised its sentencing discretion, and whether there are any grounds to challenge the denial of Saldana's postconviction motion for sentence modification. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that any challenge to Saldana's pleas, sentences, or the denial of his postconviction motion would lack arguable merit. The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further. Our independent review of the record discloses no other potential issue for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Kathleen A. Lindgren is relieved of her obligation to further represent Raul Saldana 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