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DISTRICT II

March 5, 2025

To:

Hon. Jason A. Rossell
Circuit Court Judge
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

Sonya Bice
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Brian Patrick Mullins
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Jose A. Ramos-Cruz #697681
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You are hereby notified that the Court has entered the following opinion and order:

2023AP1930-CRNM	State of Wisconsin v. Jose A. Ramos-Cruz (L.C. #2019CF415)
2023AP1932-CRNM	State of Wisconsin v. Jose A. Ramos-Cruz (L.C. #2018CF1032)

Before Gundrum, P.J., Neubauer and Grogan, 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).

Jose A. Ramos-Cruz appeals from judgments convicting him of two counts of third-degree sexual assault, as well as orders denying his motion for postconviction relief in these consolidated cases. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Upon consideration of the no-merit report, and after an independent review of the records, we conclude that there are no

¹ All references to the Wisconsin Statutes are to the 2023-24 version unless otherwise noted.

issues with arguable merit for appeal. We summarily affirm the judgments and orders. *See* WIS. STAT. RULE 809.21.

Ramos-Cruz was charged in case No. 2018CF1032 with one count of first-degree sexual assault of a child under age thirteen by sexual contact and one count of first-degree sexual assault of a child under age twelve, for offenses alleged to have occurred between March 1, 2015, and May 21, 2015. *See* WIS. STAT. §§ 948.02(1)(b) and (1)(e), 939.50(3)(b). In case No. 2018CF1032, Ramos-Cruz was charged with two counts of first-degree sexual assault of a child under age thirteen by sexual contact and causing a child under age thirteen to view sexually explicit conduct. *See* WIS. STAT. §§ 948.02(1)(e), 948.055(1) and (2)(a), 939.50(3)(f).

Pursuant to a negotiated plea agreement, Ramos-Cruz pled guilty to one count of third-degree sexual assault in each case. The circuit court sentenced Ramos-Cruz to five years of initial confinement and five years of extended supervision in case No. 2018CF1032. In case No. 2019CF415, the court sentenced Ramos-Cruz to five years of initial confinement and five years of extended supervision, consecutive to his sentence in case No. 2018CF1032. The court adjudged that Ramos-Cruz was entitled to 779 days of sentence credit in case No. 2018CF1032. Ramos-Cruz filed a postconviction motion in both cases, requesting that the court amend his judgments of conviction to remove the requirement that he comply with lifetime registration as a sex offender. The court denied the postconviction motion.

Ramos-Cruz, by counsel, filed notices of appeal on October 17, 2023. The appeals were consolidated and proceeded to briefing. On July 7, 2024, counsel for Ramos-Cruz moved to convert the appeals to no-merit appeals under WIS. STAT. § 809.32, asserting that the single issue raised in the appellant's brief was without merit due to a change in the law pertaining to the sex

offender registry requirement. This court granted counsel's motion and converted the cases to no-merit appeals. Counsel then filed a no-merit report, and Ramos-Cruz was sent a copy of the report and informed of his right to file a response. No response was filed.

The no-merit report addresses the potential issues of whether the pleas were entered knowingly and voluntarily and whether the circuit court erred in its exercise of sentencing discretion. This court is satisfied that the no-merit report correctly analyzes these issues as without arguable merit, and we will not discuss them further.

In addition, the no-merit report discusses whether there would be any arguable merit to challenging the circuit court's denial of Ramos-Cruz's postconviction motion filed in these cases. In his postconviction motion, Ramos-Cruz challenged the requirement that he register as a sex offender for life. Under WIS. STAT. § 301.45(5) (2019-20), a person may be required to register as a sex offender for fifteen years or for life. Ramos-Cruz was sentenced in these cases in November of 2020. At that time, a person was required by statute to register as a sex offender for life if he "has, on 2 or more separate occasions, been convicted ... for a sex offense." Sec. § 301.45(5)(b)1. In his postconviction motion filed on March 7, 2024, Ramos-Cruz argued that, because his charges were consolidated for plea and sentencing, and because his pleas were entered and accepted at the same hearing, his convictions did not occur on "separate occasions." *Id.* The court denied the postconviction motion.

The sex offender registration statute was amended effective March 31, 2024, to provide that a person is required to register as a sex offender for life if the person "has been convicted 2 or more times, including convictions that were part of the same proceeding, occurred on the same date, or were included in the same criminal complaint, for a sex offense...." 2023 WIS.

ACT 254, § 1. The amendment was explicitly made to apply retroactively “to determinations made on September 2, 2017, regarding whether a person has been convicted or found not guilty on 2 or more separate occasions.” *Id.* at § 5. In light of the amendment to the sex offender registration statute, we agree with counsel’s conclusion there would be no arguable merit to challenging the requirement that Ramos-Cruz register as a sex offender for life based upon his convictions in these cases. Any challenge to the circuit court’s denial of Ramos-Cruz’s postconviction motion would be without arguable merit on appeal.

Upon our independent review of the record, we have found no other arguable basis for reversal. *See State v. Allen*, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

IT IS ORDERED that the judgments and orders of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Brian Patrick Mullins is relieved of any further representation of Jose A. Ramos-Cruz in this matter pursuant to 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