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DISTRICT II

July 9, 2025

To:

Hon. Robert S. Repischak
Circuit Court Judge
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Annice Kelly
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Juan Marquez Jr. #507035
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:

| | |
|-----------------|--|
| 2024AP1862-CRNM | State of Wisconsin v. Juan Marquez, Jr. (L.C. #2021CF203) |
| 2024AP1863-CRNM | State of Wisconsin v. Juan Marquez, Jr. (L.C. #2021CF509) |
| 2024AP1865-CRNM | State of Wisconsin v. Juan Marquez, Jr. (L.C. #2021CF1631) |

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

Appointed counsel for Juan Marquez, Jr., has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967), concluding that there is no arguable merit to challenge Marquez's convictions for two counts of knowingly violate a domestic abuse order as a felony domestic abuse repeater and with the domestic abuse assessments, two more counts of knowingly violate a domestic abuse order as both a repeater and

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

a felony domestic abuse repeater and with the domestic abuse assessments, two counts of felony bail jumping as both a repeater and a felony domestic abuse repeater and with the domestic abuse assessments, and obstructing an officer. Marquez was advised of his right to file a response and did not do so. For the reasons explained below, we now reject the no-merit report, dismiss the appeals, and reinstate and extend the time to file a postconviction motion or notice of appeal.

Our independent review of the record identified potential issues regarding certain deficiencies in the court's plea colloquy, whether Marquez properly admitted to the convictions underlying his repeater enhancer before sentencing, and the imposition of the DNA surcharge. Accordingly, by order dated January 31, 2025, we directed counsel to review these potential issues, to consult with Marquez, and to either file a supplemental no-merit report explaining why these potential issues lacked arguable merit or file a motion to dismiss the no-merit appeals without prejudice and seek an extension of time to file a postconviction motion.

On February 27, 2025, counsel moved for an extension of time. Counsel explained that when she received our January 31, 2025 order, she attempted to contact Marquez but learned that Marquez had been released from prison. Counsel contacted Marquez's probation agent, and learned that the agent was also having difficulties locating Marquez. Counsel sought additional time to locate Marquez. Counsel also advised that she had previously advised Marquez to keep her apprised of his address if released from prison and he had not. We granted counsel's extension request.

On April 25, 2025, counsel moved for a second extension of time. She explained that following our extension order, Marquez's probation agent located him. During the weeks that followed, counsel called Marquez's agent four times and spoke to the agent twice about

connecting with Marquez. The agent advised counsel that she had told Marquez that his counsel “was trying to get in contact with him and told him to call [counsel].” Marquez did not contact counsel. We granted counsel’s extension request.

Counsel has now moved to dismiss these no-merit appeals. Counsel explains that she has still not heard from Marquez. She moves to dismiss without prejudice “on the chance that Mr. Marquez does contact undersigned counsel.”

We will grant counsel’s motion to dismiss these no-merit appeals; we also extend the deadline for counsel to file a postconviction motion or notice of appeal. Given the potential issues of arguable merit as outlined in our January 31, 2025 order, we cannot accept the no-merit report in its current form or conclude that further proceedings would lack arguable merit. *See McCoy v. Court of Appeals of Wis.*, 486 U.S. 429, 438 n.10 (1988).

It also appears to this court that the potential issues we identified in the January 31 order require counsel to consult with Marquez. For example, a motion to withdraw a plea based on a deficient plea colloquy is only meritorious if the defendant can allege that he did not know or understand the aspect of his plea that is related to the deficiency. *See State v. Brown*, 2006 WI 100, ¶62, 293 Wis. 2d 594, 716 N.W.2d 906.

Finally, we observe that when he was released from prison, Marquez did not update this court or the circuit court with his current address. All of the orders this court has sent to Marquez after his release from prison have been returned to this court as undeliverable. It is Marquez’s responsibility to keep this court and appointed counsel apprised of his address. Therefore,

IT IS ORDERED that the no-merit report is rejected and these no-merit appeals are dismissed without prejudice. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal is extended to sixty days from the date of this order.

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

Samuel A. Christensen
Clerk of Court of Appeals