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**DISTRICT I**

December 19, 2023

To:

Hon. Mark A. Sanders  
Circuit Court Judge  
Electronic Notice

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

Jeffrey W. Jensen  
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Electronic Notice

Terrance J. Williams 647641  
Green Bay Correctional Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

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

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2022AP824-CRNM      State of Wisconsin v. Terrance J. Williams (L.C. # 2019CF5330)

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).**

Terrance J. Williams appeals from a judgment, entered upon his guilty pleas, convicting him of two counts of armed robbery as a party to a crime. Appellate counsel, Jeffrey W. Jensen, has filed a no-merit report, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2021-22).<sup>1</sup> Williams 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

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

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

A criminal complaint was filed on December 2, 2019, against Williams and a co-actor, Javon Martez Williams ("Javon").<sup>2</sup> The charges were based on five incidents that occurred between November 19 and November 26, 2019.

On November 19, 2019, M.A.M. discovered that her Toyota RAV4 had been taken some time between 8:30 a.m. and 6:30 p.m. She told police she had been rushing to work that morning and may have dropped her keys.

On November 24, 2019, N.M.H. was loading her Dodge Caravan when two men approached her on the passenger's side of the vehicle. One of the men pointed a handgun at her and demanded her keys. N.M.H. handed over her keys; both men entered the Caravan and fled.

A Milwaukee police detective responding to N.M.H.'s call searched the area and located the unoccupied Caravan in a small parking lot behind an apartment building. After two additional detectives arrived as backup, the trio entered the parking lot in an unmarked squad and noticed M.A.M.'s RAV4 parked next to the Caravan. As the detectives pulled next to the RAV4, one of them saw the driver, later determined to be Javon, placing a firearm under the seat. There were two other people in the RAV4. The detectives exited their vehicle, displayed their IDs, and ordered the subjects out of the RAV4. Javon instead drove the vehicle out of the lot and fled at a

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<sup>2</sup> As of a January 4, 2021 hearing, Williams' trial attorney was "[s]till not sure" whether Williams and Javon were cousins or some other direct relation or whether they coincidentally shared the same last name. The defendants' relationship, however, is irrelevant to the appeal.

high rate of speed. Javon's passengers were later determined to be Williams and a sixteen-year-old juvenile co-actor, S.A.S. ("Steven").<sup>3</sup>

On November 25, 2019, Milwaukee police responded to an armed robbery call. E.B.B. reported that he was waiting for a co-worker at his car when two men approached him and demanded E.B.B.'s car keys while displaying a gun. E.B.B. tried to flee on foot and saw the second man pointing a gun at him. E.B.B. heard one shot and was struck by a bullet entering his left buttock and exiting this left thigh. The two men fled the scene on foot.

On November 26, 2019, around 9:30 a.m., Milwaukee police responded to another armed robbery call. C.E.F. reported that she was exiting her vehicle in a parking structure when two men armed with handguns approached her and demanded her purse and car keys. C.E.F. surrendered both. The men attempted to start her vehicle but were thwarted by its manual transmission. The men fled on foot but were spotted by responding officers. Steven was detained as one of the actors; the second man eluded capture.

Later on November 26, 2019, around 11:45 a.m., M.A.M.'s RAV4 was located in a restaurant parking lot. Officers observed Javon operating the vehicle and Williams in the passenger seat. Javon parked the RAV4 and went into the restaurant while Williams remained in the vehicle. After police entered the restaurant, Javon tried to flee but was taken into custody. Williams exited the RAV4 and began running on foot but he was also apprehended.

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<sup>3</sup> S.A.S. was referred to by initials in the complaint because of his then-status as a juvenile. We assign him a pseudonym for purposes of this opinion to more clearly differentiate between him and the victims, whose identities are shielded in a manner consistent with the public policy of WIS. STAT. RULE 809.86(1).

Based on these events,<sup>4</sup> the State filed a criminal complaint on December 2, 2019, charging Williams and Javon with eleven counts between the two of them. Williams was charged with: (1) taking and driving a vehicle without the owner's consent as a party to a crime; (2) armed robbery as a party to a crime; (6) attempted armed robbery; (7) first-degree recklessly endangering safety with use of a dangerous weapon; (8) armed robbery as a party to a crime; (9) attempted armed carjacking as a party to a crime; and (11) resisting an officer, all as a repeater. Javon was charged with the remaining four counts: (3) driving or operating a vehicle without the owner's consent; (4) fleeing or eluding an officer; (5) harboring or aiding a felon; and (10) driving or operating a vehicle without the owner's consent, all as a repeater.<sup>5</sup>

After Williams was arrested in this case, his extended supervision in another case was revoked, and he was ordered back to prison for the remaining ten months of his sentence. Thus, on February 20, 2020, Williams filed a request for prompt disposition under WIS. STAT. § 971.11, the Intrastate Detainer Act. On October 20, 2020, Williams filed a motion to dismiss for the State's failure to timely bring the case to trial. The circuit court denied dismissal at a hearing on November 13, 2020. Trial began on March 29, 2021.

By the afternoon of the second day of trial, Williams was willing to resolve the case with guilty pleas. In exchange for his guilty pleas to the armed robbery charges in Counts 2 and 8, modified to remove the repeater enhancer, the State agreed to dismiss outright Counts 1 and 7; to

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<sup>4</sup> The criminal complaint also describes GPS information linking Williams to the RAV4 and Caravan thefts, and Steven identified Williams as his co-actor in the robberies of E.B.B. and C.E.F.

<sup>5</sup> Williams' charge in Count 1, taking and driving a vehicle without the owner's consent, is a violation of WIS. STAT. § 943.23(2)(a). Javon's charges in Counts 3 and 10, the similarly named driving or operating a vehicle without the owner's consent, are a violation of § 943.23(3)(a). The primary distinction is that a violation of § 943.23(2)(a) involves the initial taking of the vehicle from its owner.

dismiss and read in Counts 6, 9, and 11; and to recommend a prison sentence without specifying a particular term length.

The circuit court accepted Williams' pleas. At sentencing, the court imposed ten years of initial confinement and five years of extended supervision for each of the robberies, concurrent with each other but consecutive to any other sentence. The court also authorized Williams' eligibility for the challenge incarceration program after eight years of initial confinement. Williams appeals.

One of the potential issues the no-merit report discusses is whether Williams should be allowed to withdraw his pleas because they were not knowing, intelligent, and voluntary. Our review of the record—including the plea questionnaire and waiver of rights form and addendum, the attached jury instructions for armed robbery as party to a crime that were initialed by Williams, and the plea hearing transcript—confirms that the circuit court complied with its obligations for taking guilty pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. There is no arguable merit to a claim that Williams' pleas were anything other than knowing, intelligent, and voluntary.

The no-merit report also discusses whether there is any arguable merit to challenging the circuit court's order denying Williams' motion to dismiss. A challenge to an intrastate detainer delay, as well as to a speedy trial delay, is forfeited by a valid guilty plea. *State v. Asmus*, 2010 WI App 48, ¶6, 324 Wis. 2d 427, 782 N.W.2d 435. This alone satisfies us that there is no arguable merit to challenging the circuit court's denial of the motion to dismiss. Nevertheless,

the no-merit report addresses the merits of the circuit court’s ruling, so we briefly address the substance of that issue.

The Intrastate Detainer Act “applies when a criminal case is brought against an inmate of a state prison and directs the warden, at the inmate’s request, to send a written request to the district attorney for prompt disposition of the case.” *State v. Butler*, 2014 WI App 4, ¶4, 352 Wis. 2d 484, 844 N.W.2d 392; WIS. STAT. § 971.11(1). Once the request is made, the State “shall bring the case on for trial within 120 days after receipt of the request[.]” Sec. 971.11(2). If the case is not “brought on for trial within the time specified,” the case “shall be dismissed[.]” Sec. 971.11(7). However, the 120-day deadline is subject to the circuit court’s discretionary authority to grant a continuance under WIS. STAT. § 971.10, the speedy trial statute.<sup>6</sup> *Butler*, 352 Wis. 2d 484, ¶6.

Whether to grant a motion to dismiss is a discretionary decision. *State v. Davis*, 2001 WI 136, ¶28, 248 Wis. 2d 986, 637 N.W.2d 62. We will sustain a discretionary determination if the circuit court applied the correct legal standard and a logical interpretation of the facts of record to reach a reasonable conclusion. *State v. Kivioja*, 225 Wis. 2d 271, 284, 592 N.W.2d 220 (1999).

At the hearing on the motion to dismiss, the circuit court considered whether the continuances that had previously been granted had been appropriate extensions despite the prompt disposition demand. Whether to grant a continuance is also a matter of circuit court discretion. *Davis*, 248 Wis. 2d 986, ¶15. Continuances are permitted under WIS. STAT.

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<sup>6</sup> Williams also filed a speedy trial demand in August 2020 as “backup” for his prompt disposition demand because it was unclear whether the latter demand would remain valid once Williams was fully discharged from his revocation prison sentence in September 2020.

§ 971.10—and, thus, under WIS. STAT. § 971.11—if “the ends of justice served by granting a continuance outweigh the best interests of the public and the accused in a speedy trial.” *Davis*, 248 Wis. 2d 986, ¶15.

In denying the motion to dismiss, the circuit court applied the correct legal standard for continuances, referencing *Butler*, and considered the statutory factors, including “[w]hether the failure to grant the continuance in the proceeding would be likely to make a continuation of the proceeding impossible or result in a miscarriage of justice”; “[w]hether the case taken as a whole is so unusual and so complex, due to the number of defendants or the nature of the prosecution or otherwise, that it is unreasonable to expect adequate preparation within the periods of time established by this section”; and the victim’s interests. WIS. STAT. § 971.10(3)(b). The court explained the facts of the case as they related to each of the factors and whether they supported the continuances. The court also recognized that the statutory list was non-exhaustive and considered a fourth factor, the coronavirus pandemic, which had been the reason for the bulk of the delay.<sup>7</sup> Based on its review of the facts, the court ultimately concluded that “the decisions to adjourn these cases ... in the face of the defendant’s intrastate detainer are entirely appropriate” and denied the motion to dismiss. Our review of the record satisfies us that this was a proper exercise of circuit court discretion and that there is no arguable merit to challenging the denial of the motion to dismiss.

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<sup>7</sup> The Wisconsin Supreme Court, by order dated March 22, 2020, suspended all jury trials in the state through May 22, 2020, as a safety measure. On May 1, 2020, a local Milwaukee County order further suspended jury trials in that county until at least June 15, 2020. The first day that Milwaukee County resumed summoning jurors was on or about July 20, 2020.

The final issue discussed in the no-merit report is whether the circuit court properly exercised its sentencing 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, *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 may consider other factors. *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. *Id.*

Our review of the record confirms that the court appropriately considered relevant sentencing objectives and factors. The concurrent sentences totaling fifteen years' imprisonment are well within the eighty-year maximum authorized by law. *See* WIS. STAT. §§ 943.32(1)(b); 939.50(3)(c). "A sentence well within the limits of the maximum sentence is unlikely to be unduly harsh or unconscionable." *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449. The sentences are also 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). Accordingly, there is no arguable merit to a challenge to the circuit court's 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 Jeffrey W. Jensen is relieved of further representation of Williams in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*