

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**December 6, 2011**

A. John Voelker  
Acting Clerk of Court of Appeals

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2010AP3004-CR**

**Cir. Ct. No. 2009CF1598**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT I**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**KEVIN L. BILLS,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment and an order of the circuit court for Milwaukee County: JEAN W. DIMOTTO, Judge. *Affirmed.*

Before Curley, P.J., Fine and Brennan, JJ.

¶1 PER CURIAM. Kevin L. Bills appeals a judgment convicting him of possession of cocaine with intent to deliver and an order denying his motion for sentence modification. He argues that the circuit court erroneously exercised its

sentencing discretion when it imposed a five-year term of imprisonment, with four years of initial confinement and one year of extended supervision. We affirm.

¶2 When sentencing a defendant, the circuit court must consider the primary sentencing factors of “the gravity of the offense, the character of the defendant, and the need to protect the public.” *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis.2d 594, 712 N.W.2d 76. The circuit court may also consider additional factors, including:

- (1) Past record of criminal offenses;
- (2) history of undesirable behavior pattern;
- (3) the defendant’s personality, character and social traits;
- (4) result of presentence investigation;
- (5) vicious or aggravated nature of the crime;
- (6) degree of the defendant’s culpability;
- (7) defendant’s demeanor at trial;
- (8) defendant’s age, educational background and employment record;
- (9) defendant’s remorse, repentance and cooperativeness;
- (10) defendant’s need for close rehabilitative control;
- (11) the rights of the public; and
- (12) the length of pretrial detention.

*State v. Gallion*, 2004 WI 42, ¶43 n.11, 270 Wis.2d 535, 678 N.W.2d 197 (citation and quotation marks omitted). The circuit court has discretion to determine both the factors that it believes are relevant in imposing sentence and the weight to assign to each relevant factor. *State v. Stenzel*, 2004 WI App 181, ¶16, 276 Wis. 2d 224, 688 N.W.2d 20. When reviewing a sentence, we defer to the circuit court’s “great advantage in considering the relevant factors and the demeanor of the defendant.” See *State v. Echols*, 175 Wis. 2d 653, 682, 499 N.W.2d 631 (1993).

¶3 Bills contends that the circuit court erroneously exercised its sentencing discretion because it drew three unsupported conclusions about him from the information before it. First, the circuit court improperly concluded that he was minimizing the amount of drug dealing in which he was involved. Second,

the circuit court improperly concluded that he was not remorseful for his crimes. Third, the circuit court erroneously concluded that he had acted with a “presence of mind” that showed a criminal tendency when he hid drugs in his rectum, despite that fact that he had just been shot and was in pain.

¶4 Bills does not contend that the circuit court relied on *inaccurate information* in reaching these conclusions, only that it made unwarranted inferences from the information before it. We disagree. It is well established that the circuit court may draw reasonable inferences from the record in the exercise of its sentencing discretion. *Gallion*, 270 Wis. 2d 535, ¶25. The inferences drawn by the circuit court were matters of opinion grounded in the facts of this case and the circuit court’s observations of Bills’ demeanor. The circuit court inferred that Bills was minimizing the degree to which he was involved in illegal drug trafficking based on a large amount of cocaine that he was carrying; that is a reasonable inference. Similarly, the circuit court reasonably concluded that Bills was not really remorseful based on the fact that Bills continued to engage in illegal drug dealing over a number of years and had lied repeatedly about what had happened in an attempt to escape blame. As for the circuit court’s statement that Bills had acted with a criminal “presence of mind” in attempting to hide drugs from the police, the circuit court could reasonably infer that he possessed criminal sophistication based on the extreme actions Bills took to hide evidence of his crime. We therefore conclude the circuit court properly exercised its sentencing discretion.

*By the Court.*—Judgment and order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5. (2009-10).

