



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I

February 4, 2025

To:

Hon. Milton L. Childs Sr.
Circuit Court Judge
Electronic Notice

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

Pamela Moorshead
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Eddie Charles Epps 410584
Wisconsin Resource Center
P.O. Box 220
Winnebago, WI 54985-0220

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

2023AP2264-CRNM State of Wisconsin v. Eddie Charles Epps (L.C. # 2022CF1369)

Before White, C.J., Geenen and Colón, 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).

Eddie Charles Epps appeals from a judgment, entered on his guilty plea, convicting him on one count of burglary. Appellate counsel, Pamela Moorshead, has filed a no-merit report, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2021-22).¹ Epps 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 counsel's report, we conclude

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

there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment.

On April 6, 2022, Milwaukee police responded to an unlawful entry complaint. The caller, T.B., reported that someone had broken into his home and he was detaining that person, later identified as Epps, until police arrived. T.B. had observed Epps walking from the rear of the residence with property from inside the house in both arms. Officers saw broken glass on the ground, and one of T.B.'s basement windows appeared to have been kicked in. Epps was charged with burglary and misdemeanor bail jumping. The case for which Epps was on bail was Milwaukee County Circuit Court case No. 2020CM1440, in which Epps was charged with one count of receiving stolen property.

Epps eventually agreed to resolve this case and the misdemeanor case through a global plea agreement. In exchange for his guilty plea to the burglary charge, the bail jumping charge and the misdemeanor case would be dismissed and read in. The circuit court accepted Epps' guilty plea and later sentenced him to three years of initial confinement and four years of extended supervision.

The first issue discussed in the no-merit report is whether Epps should be allowed to withdraw his guilty plea either because it was not knowing, intelligent, and voluntary or because it was not supported by a factual basis. To be valid, a guilty plea must be knowing, intelligent, and voluntary. *State v. Bangert*, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). A number of requirements have been established for circuit courts accepting guilty pleas as a way to help ensure such pleas are properly entered by the defendant. *See, e.g.*, WIS. STAT. § 971.08; *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906 (listing circuit court duties).

One specific duty the circuit court has is to “[m]ake such inquiry as satisfies it that the defendant in fact committed the crime charged.” WIS. STAT. § 971.08(1)(b). If the facts set forth in the criminal complaint meet the elements of the crime charged, this may be sufficient to form a factual basis. Here, the circuit court asked Epps whether the information in the complaint was accurate and whether the court could rely on that information to accept the plea. Epps agreed to both requests. The complaint more than adequately supports the charge to which Epps pled. Thus, our review of the record satisfies us that the circuit court complied with its obligations for accepting a guilty plea and that Epps entered a valid plea supported by an adequate factual basis.

The other issue addressed in the no-merit report is whether the circuit court erroneously exercised its sentencing discretion. *See State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. Our review of the record confirms that the court appropriately considered relevant sentencing objectives and factors. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The seven-year sentence imposed is well within the twelve and one-half-year range authorized by law, *see State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449; WIS STAT. §§ 943.10(1m) and 939.50(3)(f), and is 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). The no-merit report properly analyzes this issue as well, and we agree with appellate counsel’s conclusion that there would be no arguable merit to challenging 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 Pamela Moorshead is relieved of further representation of Epps 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