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**DISTRICT I**

February 4, 2025

To:

Hon. Rebecca A. Kiefer  
Circuit Court Judge  
Electronic Notice

Jennifer L. Vandermeuse  
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Clerk of Circuit Court  
Milwaukee County Safety Building  
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Kyontae Kinney 713741  
Fox Lake Correctional Institution  
P.O. Box 147  
Fox Lake, WI 53933

Pamela Moorshead  
Electronic Notice

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

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2024AP102-CRNM	State of Wisconsin v. Kyontae Kinney (L.C. # 2022CF517)
2024AP103-CRNM	State of Wisconsin v. Kyontae Kinney (L.C. # 2022CF2225)

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).**

Kyontae Kinney appeals his judgments of conviction entered after he pled guilty to several domestic abuse related charges. His appellate counsel, Attorney Pamela Moorshead, 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> Kinney was advised of his right to file a response, but he did not do so.

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<sup>1</sup> Attorney Moorshead filed a single no-merit report on behalf of Kinney relative to these two no-merit appeals. It appears, however, that the appeals can be consolidated for briefing and dispositional purposes. The court will do so upon its own motion. See WIS. STAT. RULE 809.10(3).

(continued)

Upon this court's independent review of the record as mandated by *Anders*, and counsel's report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm.

Kinney was charged with numerous offenses in several cases in 2021 and 2022 relating to altercations with his girlfriend, D.I.B. He then made numerous calls from jail to D.I.B. regarding the pending cases, in violation of a no contact order, which resulted in additional charges.

Kinney opted to resolve these matters with pleas. He pled guilty to charges of criminal damage to property, disorderly conduct, intimidation of a witness, and felony bail jumping, all with domestic abuse assessments. He also pled guilty to a contempt of court charge. The remaining charges from his cases were dismissed and read in at sentencing. A global sentence of five years of initial confinement followed by five years of extended supervision was imposed in September 2022. This no-merit appeal follows.

In the no-merit report, appellate counsel addresses two issues: whether there would be arguable merit to appealing the validity of Kinney's pleas; and whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion in sentencing Kinney. We agree with appellate counsel's analysis that there would be no arguable merit to an appeal of either of these issues.

A plea is not constitutionally valid if it is not knowingly, voluntarily, and intelligently entered. *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). This may be

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

established if the requirements set forth in WIS. STAT. § 971.08 and *Bangert* are not met during the plea colloquy by the circuit court. *State v. Brown*, 2006 WI 100, ¶¶23, 34-35, 293 Wis. 2d 594, 716 N.W.2d 906. The record here reflects that the plea colloquy by the circuit court complied with these requirements. Furthermore, the circuit court confirmed that Kinney signed and understood the plea questionnaire and waiver of rights form, which further demonstrates that Kinney's pleas were knowingly, voluntarily, and intelligently entered. See *State v. Moederndorfer*, 141 Wis. 2d 823, 827, 416 N.W.2d 627 (Ct. App. 1987). We therefore agree with appellate counsel's assessment that there would be no arguable merit to a challenge of the validity of Kinney's pleas.

With regard to sentencing, the record reflects that the circuit court properly exercised its discretion in considering proper and relevant sentencing objectives and factors. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Additionally, Kinney's sentences were within the statutory maximums, and are therefore presumed not to be unduly harsh or unconscionable. See *State v. Grindemann*, 2002 WI App 106, ¶32, 255 Wis. 2d 632, 648 N.W.2d 507. For these reasons, we agree with appellate counsel's conclusions that there would be no arguable merit to a challenge of Kinney's sentences.

Our independent review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Kinney further in these appeals.

For all the foregoing reasons,

IT IS ORDERED that appeal Nos. 2024AP102-CRNM and 2024AP103-CRNM are consolidated for briefing and disposition purposes.

IT IS FURTHER ORDERED that the judgments are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Pamela Moorshead is relieved of further representation of Kyontae Kinney in these matters. *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*