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**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](http://www.wicourts.gov)

**DISTRICT III/IV**

February 7, 2018

To:

Hon. Kelly J. Thimm  
Circuit Court Judge  
Br. 1  
1313 Belknap St  
Superior, WI 54880

Michele Wick  
Clerk of Circuit Court  
Douglas County Courthouse  
1313 Belknap Street, Ste. 309  
Superior, WI 54880

Philip J. Brehm  
23 W. Milwaukee St., Ste. 200  
Janesville, WI 53548

Mark A. Fruehauf  
District Attorney  
1313 Belknap St., Room 202  
Superior, WI 54880-2769

Tiffany M. Winter  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

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

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2017AP445-CR

State of Wisconsin v. Travis John Howes (L.C. # 2015CF35)

Before Sherman, Blanchard, and Kloppenburg, 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).**

Travis Howes appeals a judgment of conviction and an order denying his motion for postconviction relief. Based upon our review of the briefs and record, we conclude at conference

that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2015-16).<sup>1</sup>  
We affirm.

Howes moved to withdraw his no-contest pleas. The circuit court denied the motion.

For purposes of this order we assume, without deciding, that Howes' plea colloquy was defective because it did not include the definitions of "recklessly" or "great bodily harm." Accordingly, it was the State's burden to prove at the postconviction hearing that Howes properly understood these terms. *See State v. Howell*, 2007 WI 75, ¶¶72-77, 301 Wis. 2d 350, 734 N.W.2d 48.

The circuit court found that the State proved by clear and convincing evidence that Howes knew the required information. It did so based on its finding that Howes was not credible due to inconsistencies, and on trial counsel's testimony that it was his usual practice to explain the elements, and that he was sure he would have done so in this case.

Howes argues that we should disregard that finding, but he does not specifically discuss the legal test, that is, whether the finding was clearly erroneous. Howes notes his own testimony in support of his motion, but does not address the court's finding that he was not credible. And, while he criticizes trial counsel's testimony as "self-serving," he does not argue that this testimony was inadequate to satisfy the legal standard, or that there is some reason we should disregard the court's finding that trial counsel was credible. Accordingly, Howes has not persuaded us that the circuit court's finding was clearly erroneous.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

IT IS ORDERED that the judgment and order are summarily affirmed under WIS. STAT. RULE 809.21.

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

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*Diane M. Fremgen*  
*Acting Clerk of Court of Appeals*