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July 31, 2018

To:

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

2017AP628-CRNM State of Wisconsin v. Lavel Vonchewer Pollard
(L. C. No. 2016CF174)

Before Stark, P.J., Hruz and Seidl, 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).

Counsel for Lavel Pollard has filed a no-merit report concluding there is no basis to challenge Pollard's conviction for physical abuse of a child – causing great bodily harm. Pollard was advised of his right to respond and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no merit

to any issue that could be raised on appeal and summarily affirm. WIS. STAT. RULE 809.21 (2015-16).¹

Pollard was charged with one count of physical abuse of a child – recklessly causing great bodily harm; and one count of child neglect (bodily harm). Pollard’s three-month-old son had been diagnosed with a subdural brain hemorrhage and eye injury after admission to a hospital’s intensive care unit. The infant’s mother stated she had gone shopping several days earlier and left the infant in Pollard’s care. When she came home, the infant was limp and lethargic. The infant seemed sleepy and would cry if she tried to move him. The mother noticed bruising in the infant’s left eye area. The infant also fed poorly and “milk came out of his mouth as he looked off to the right.” The next morning, the mother noticed the infant’s leg was twitching, and she called 911. The examination of the infant at the hospital noted the infant’s injuries were “very highly concerning for child abuse.”

During hospital interviews, Pollard denied any knowledge of any physical abuse to the infant, and he provided an accidental explanation to the hospital staff. Pollard also stated the infant “may have an old head injury.” Pollard said that about a week prior, while he was home alone with the infant, Pollard was carrying him and the infant’s “head hit a door.”

However, Pollard later admitted to police that he slammed the infant face down after the infant had cried continuously for twenty minutes. Pollard stated he was mad when he slammed the infant and was also “slightly intoxicated.” Pollard also stated he said to the infant, “[U]gh, you wanna keep crying?” When the infant’s mother got home, Pollard did not tell her because

¹ References to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

he “didn’t want to break her heart.” When the infant’s mother initially wanted to take the infant to the hospital, Pollard suggested she let the infant sleep and see how he was doing in the morning.

During the interview with hospital staff, Pollard also admitted that he had previously been convicted of abusing his then-infant daughter, who was fourteen years old at the time of the current offense. Pollard stated that when his daughter would cry, Pollard would “squeeze” her, resulting in broken ribs and bruises.

In the present case, Pollard pleaded guilty to one count of physical abuse of a child – recklessly causing great bodily harm, and the remaining count was dismissed and read in. The circuit court imposed a sentence consisting of six years’ initial confinement and four years’ extended supervision.

The no-merit report addresses whether Pollard’s plea was knowingly, intelligently, and voluntarily entered. It also addresses whether the circuit court properly exercised its sentencing discretion. This court is satisfied that the no-merit report properly analyzes the issues raised, and we will not discuss the issues further.

Our independent review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Thomas Erickson is relieved of further representing Pollard in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals