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**DISTRICT III**

May 27, 2020

To:

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

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2018AP1829-CRNM      State of Wisconsin v. Aki Williams  
2018AP1830-CRNM      (L. C. Nos. 2014CF736, 2014CF1041)

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).**

Aki Williams appeals from two judgments convicting him, based upon no-contest pleas, of four felony drug counts, and from a postconviction order denying his motion for plea withdrawal. Attorney Timothy O'Connell has filed a third no-merit report seeking to withdraw

as appellate counsel in these matters. *See* WIS. STAT. RULE 809.32 (2017-18).<sup>1</sup> The no-merit report sets forth the procedural history of the cases—which were handled jointly in the circuit court—and addresses Williams’ pleas and sentences and a motion to dismiss. Williams has filed a response asserting that he was entitled to a hearing on his plea withdrawal claim and further challenging “the legality of the sentencing scheme.” Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude that counsel may be allowed to withdraw, and the judgments of conviction are summarily affirmed. *See* WIS. STAT. RULE 809.21.

In Brown County case No. 2014CF736, the State charged Williams with one Class C felony count of conspiracy to deliver heroin based on events occurring from March 2012 through August 2013. In Brown County case No. 2014CF1041, the State charged Williams with two Class F felony counts of delivering heroin, two Class D felony counts of delivering heroin with penalty enhancers for being in or near a park, one Class F felony count of delivering heroin with a penalty enhancer for being in or near a park, two misdemeanor counts of possession of THC, one misdemeanor count of possession of drug paraphernalia, and one Class I felony count of maintaining a drug trafficking place, all counts were based on events occurring from July 23, 2013, through August 2, 2013.

On the second day of trial, Williams reached a plea agreement with the State. Williams pleaded no contest to the conspiracy count in case No. 2014CF736; and in case No. 2014CF1041

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<sup>1</sup> O’Connell withdrew his first no-merit report to pursue a DNA surcharge issue, and he withdrew his second no-merit report to file a motion for plea withdrawal.

All further references to the Wisconsin Statutes are to the 2017-18 version, unless otherwise noted.

he pleaded no contest to the two Class D felony counts of delivering heroin, to one of the Class F felony counts of delivering heroin, and to the count of maintaining a drug trafficking place. In exchange, the State moved to dismiss and read in the remaining charges, to dismiss all penalty enhancers, and to recommend concurrent prison terms without specifying the lengths of initial confinement and extended supervision. The circuit court accepted the pleas after reviewing a plea questionnaire submitted by Williams and conducting a plea colloquy.

At a subsequent hearing, the circuit court sentenced Williams to concurrent terms of eighteen years' initial confinement and ten years' extended supervision on the conspiracy count, fifteen years' initial confinement and ten years' extended supervision on each of the Class D felony counts of delivering heroin, seven years and six months' initial confinement and five years' extended supervision on the Class F felony count of delivering heroin, and one year of initial confinement and two years' extended supervision on the count of maintaining a drug trafficking place. The court also imposed a number of conditions of supervision, determined Williams would be eligible for the Challenge Incarceration Program and the Substance Abuse Program after ten years' initial confinement, ordered Williams to pay \$4950 in restitution to the drug task force, and granted 713 days of sentence credit.

We agree with counsel's description, analysis and conclusion that any challenge to the pleas and sentences would lack arguable merit. Postconviction, Williams sought to withdraw his pleas on the grounds that the circuit court did not state the elements of the offenses during the plea colloquy. The elements of the offenses, however, were accurately set forth in jury instructions attached to the plea questionnaire, and the court established during the colloquy that Williams had reviewed those instructions with his counsel and understood all the elements of the offenses. The court's incorporation of the plea questionnaire and jury instructions into its

colloquy was sufficient to satisfy the court's obligation to ensure Williams understood the elements of the offenses. See *State v. Moedendorfer*, 141 Wis. 2d 823, 826-27, 416 N.W.2d 627 (Ct. App. 1987). We further note that by entering valid pleas, Williams forfeited the right to review the denial of his prior motion to dismiss the charges. See *State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 866.

As to the legality of his sentences, Williams complains that “the portion of his mandatory bifurcated sentence to be served on extended supervision was not going to be computed as he served it[,] ... leaving him ... in the street doing dead time.” It is unclear what portion of the statutory sentencing scheme Williams is attempting to challenge, but our review of the record has not revealed any reason that the sentences imposed in these cases would be invalid.

Our independent review of the records discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*.

Upon the foregoing,

IT IS ORDERED that the judgments of conviction and postconviction order are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Timothy O'Connell is relieved of any further representation of Aki Williams in these matters pursuant to WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*