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**DISTRICT II**

July 15, 2020

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

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2019AP486-CR

State of Wisconsin v. Rexford Crawford, Jr. (L.C. #2016CF25)

Before Reilly, P.J., Gundrum and Davis, 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).**

Rexford Crawford, Jr., appeals from a judgment of conviction and an order denying his postconviction motion. He contends that the circuit court erroneously exercised its discretion when it admitted certain evidence against him at trial. 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 (2017-18).<sup>1</sup> We affirm.

Crawford was convicted following a jury trial of strangulation, two counts of disorderly conduct, and two counts of criminal damage to property. The charges stemmed from a series of incidents involving his then-girlfriend, S.N. Crawford was accused of choking S.N. on December 25, 2015, threatening her and damaging her property on January 8, 2016, and throwing a glass candle jar at her on January 11, 2016.

At trial, the State called S.N. to testify. During her testimony, S.N. made four statements that Crawford finds objectionable. They can be summarized as follows: (1) S.N.'s children stopped residing with her before the December 25 incident because she "was at risk of getting hurt;" (2) S.N. did not contact law enforcement on December 25 because Crawford was "generally" nice after a physical incident and would feel bad about what he had done; (3) S.N. did not seek medical attention on December 25 because, by then, "the hospital was sick of seeing" her; and (4) Crawford would leave S.N.'s home after "altercations," but he would return in a day or two.

According to Crawford, these statements suggest more incidents of violence than those set forth in the information and should have been excluded as other acts evidence. Because they were not, he filed a postconviction motion seeking a new trial. The circuit court denied that motion, concluding that the statements did not amount to other acts evidence. This appeal follows.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version.

On appeal, Crawford contends that the circuit court erred in denying his postconviction motion. Again, he maintains that the above statements of S.N. constituted other acts evidence and should have been excluded.

A circuit court's decision to admit evidence is committed to its sound discretion. *Martindale v. Ripp*, 2001 WI 113, ¶28, 246 Wis. 2d 67, 629 N.W.2d 698. We generally look for reasons to sustain discretionary decisions and may, when necessary, search the record to determine if it supports the court's decision. *State v. Lock*, 2012 WI App 99, ¶43, 344 Wis. 2d 166, 823 N.W.2d 378.

Other acts evidence is evidence of another person's crimes, wrongs, or bad acts. *See* WIS. STAT. § 904.04(2)(a). The admissibility of other acts evidence is governed by WIS. STAT. §§ 904.04(2) and 904.03. *State v. Sullivan*, 216 Wis. 2d 768, 781, 576 N.W.2d 30 (1998). "Evidence is not 'other acts' evidence if it is part of the panorama of evidence needed to completely describe the crime that occurred and is thereby inextricably intertwined with the crime." *State v. Dukes*, 2007 WI App 175, ¶28, 303 Wis. 2d 208, 736 N.W.2d 515.

Here, we agree with the circuit court that S.N.'s statements did not amount to other acts evidence. In making them, S.N. was not accusing Crawford of prior bad acts (indeed, some of the statements do not reference Crawford at all). Rather, she was providing additional background or context for the charged crimes. Her statements explained (1) her children's absence from her home, which led to her argument with Crawford on December 25;<sup>2</sup> (2) why she

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<sup>2</sup> According to S.N., she wanted to see her children on Christmas. Crawford became upset with her, as he wanted to see his mother instead.

did not initially report the December 25 incident to police or seek medical assistance; and (3) Crawford's behavior following altercations, of which the jury already knew that there were three altercations alleged. As such, the statements were properly admitted as panorama evidence. If Crawford believed they were prejudicial, he could have asked for a limiting instruction. He did not and cannot complain about it now. *See Bergeron v. State*, 85 Wis. 2d 595, 604, 271 N.W.2d 386 (1978) (a reviewing court will not find error in the failure of a circuit court to give a particular instruction in the absence of a timely and specific request).

Upon the foregoing reasons,

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

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*