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**DISTRICT II**

September 1, 2021

To:

Hon. John A. Jorgensen  
Circuit Court Judge  
Electronic Notice

Melissa M. Pingel  
Clerk of Circuit Court  
Winnebago County  
Electronic Notice

Christian A. Gossett  
District Attorney  
Electronic Notice

Vicki Zick  
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William A. Wortham, #603448  
Green Bay Correctional Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

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

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2020AP532-CRNM	State of Wisconsin v. William A. Wortham (L.C. #2017CF385)
2020AP533-CRNM	State of Wisconsin v. William A. Wortham (L.C. #2018CF23)

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

In these consolidated appeals, William A. Wortham appeals from judgments convicting him of being a felon in possession of a firearm contrary to WIS. STAT. § 941.29(1m)(a) (2017-18), two counts of misdemeanor bail jumping contrary to WIS. STAT. § 946.49(1)(a) (2017-18), and one count of felony bail jumping contrary to § 946.49(1)(b) (2017-18). Wortham's appellate

counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Wortham received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgments because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

For being a felon in possession of a firearm, the circuit court sentenced Wortham to a six-year term (three years of initial confinement and three years of extended supervision). For the misdemeanor bail jumping, the court imposed a total of eighteen months of probation, consecutive to any other sentence. For the felony bail jumping, the court imposed twelve months in jail, concurrent. Wortham received sentence credit.

The no-merit report addresses the following possible appellate issues: (1) whether Wortham's no contest pleas were knowingly, voluntarily and intelligently entered; and (2) whether the circuit court misused its sentencing discretion. After reviewing the record, we conclude that counsel's no-merit report properly analyzes these issues and correctly determines that these issues lack arguable merit.

The plea colloquy complied with *State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794. The colloquy was thorough and informed Wortham of each of the constitutional rights waived by his plea. The court informed Wortham of the consequences of the counts being

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

dismissed and read-in and addressed his repeater status.<sup>2</sup> A “no contest plea waives all nonjurisdictional defects and defenses,” *State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53, including claims arising out of speedy trial demands, *see State v. Asmus*, 2010 WI App 48, ¶5, 324 Wis. 2d 427, 782 N.W.2d 435. Any challenge to the entry of Wortham’s no contest pleas would lack arguable merit for appeal.

The circuit court also engaged in a proper exercise of sentencing discretion after considering various sentencing factors. *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (we review the sentence for a misuse of discretion); *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (sentencing objectives and factors discussed).

The record contains a pro se WIS. STAT. § 973.195 petition for sentence adjustment which was denied by the circuit court before the notice of appeal was filed. Wortham sought sentence adjustment on the grounds that, inter alia, his conduct in prison supported his request. Section 973.195(1r)(b)1. As the circuit court found, Wortham had several conduct violations which did “not bode well for following the rules on Extended Supervision.” We conclude that the circuit court properly exercised its discretion when it denied sentence adjustment. *State v. Stenklyft*, 2005 WI 71, ¶112, 281 Wis. 2d 484, 697 N.W.2d 769 (Abrahamson, C.J., concurring in part and dissenting in part). We see no arguable merit to a challenge to the circuit court’s order denying Wortham’s § 973.195 petition.

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<sup>2</sup> We note that the circuit court did not impose an enhanced sentence arising out of Wortham’s repeater status.

Our independent review of the record did not disclose any arguably meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report, affirm the judgments of conviction and relieve Attorney Vicki Zick of further representation of Wortham in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved of further representation of William A. Wortham in this matter.

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*