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**DISTRICT I**

September 8, 2021

To:

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Electronic Notice

John Barrett  
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Winn S. Collins  
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John D. Flynn  
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Pamela Moorshead  
Assistant State Public Defender  
Electronic Notice

Vondelle Montez Over 541533  
Waupun Correctional Inst.  
P.O. Box 351  
Waupun, WI 53963-0351

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

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2021AP17-CRNM      State of Wisconsin v. Vondelle Montez Over  
(L.C. # 2018CF2685)

Before Brash, C.J., Donald, P.J., and White, J.

**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).**

Vondelle Montez Over appeals a judgment convicting him of one count of armed robbery with threat of force and one count of burglary of a dwelling, both as a party to a crime. Appointed appellate counsel, Pamela Moorshead, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2019-20).<sup>1</sup> Over was advised of his right to file a response but he did not respond. After considering the no-merit report and

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

conducting an independent review of the record as mandated by *Anders*, we conclude that no arguably meritorious issues exist for an appeal. Therefore, we summarily affirm. See WIS. STAT. RULE 809.21.

Over was initially charged with armed robbery, burglary, four counts of false imprisonment, and one count of strangulation and suffocation, all as a party to a crime. In a separate case, Over was charged with armed robbery and burglary. Pursuant to a plea agreement that resolved both cases, Over pled guilty to armed robbery and burglary in this case, while the other charges in this case, and both of the charges in the second case, were dismissed and read-in for purposes of sentencing. The circuit court sentenced Over to thirty years of imprisonment for armed robbery, with twenty years of initial confinement and ten years of extended supervision. It also sentenced him to seven years of imprisonment for burglary, with three years of initial confinement and four years of extended supervision, to be served consecutively.

The no-merit report first addresses whether Over could pursue an arguably meritorious claim for plea withdrawal on the ground that his guilty pleas were not knowing, intelligent, and voluntary. See *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). The circuit court established that Over had signed a guilty plea questionnaire and waiver of rights form and that he understood their contents. The circuit court conducted a colloquy with Over that complied with the circuit court's obligations under WIS. STAT. § 971.08 when accepting a plea, with one exception. The circuit court did not verify with Over that, other than the plea negotiations, no one made any promises or threats to induce him to plead guilty. However, Over's counsel explains in the no-merit report that there would be no arguable merit to a challenge to the guilty pleas based on this omission because Over cannot assert that there were, in fact, any promises or

threats that induced him to plead guilty. Further pursuit of this issue would be frivolous within the meaning of *Anders*.

The no-merit report also addresses whether Over could pursue an arguably meritorious challenge to the circuit court's exercise of sentencing discretion. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. The circuit court emphasized the gravity of the offenses and the need to protect the public, stating that Over's beating of the victims and his treatment of them during his commission of the crimes was "dangerous, egregious [and] depraved." The sentences that the circuit court selected were within the limits of the maximum sentences allowed by law and cannot be considered unduly harsh or unconscionable in light of the brutal circumstances of the crimes and five additional crimes that were read-in and considered by the circuit court in framing its sentence. See *State v. Grindemann*, 2002 WI App 106, ¶¶31-32, 255 Wis. 2d 632, 648 N.W.2d 507. Further pursuit of this issue would be frivolous within the meaning of *Anders*.

Our independent review of the record does not disclose any other potential issues warranting discussion. We conclude that further postconviction or appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

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

IT IS FURTHER ORDERED that Attorney Pamela Moorshead is relieved of any further representation of Vondelle Montez Over. See 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*