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**DISTRICT I**

December 14, 2021

To:

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Circuit Court Judge  
Electronic Notice

John Barrett  
Clerk of Circuit Court  
Milwaukee County  
Electronic Notice

Gregory Bates  
Electronic Notice

Winn S. Collins  
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John D. Flynn  
Electronic Notice

Ladarius J. Boyce 647451  
Columbia Correctional Center  
P.O. Box 900  
Portage, WI 53901-0900

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

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2020AP589-CRNM      State of Wisconsin v. Ladarius J. Boyce (L.C. # 2017CF3346)

Before Brash, C.J., Donald, P.J., and Dugan, 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).**

Ladarius J. Boyce appeals from a judgment convicting him of felony murder and arson of a building, as a party to a crime. His appellate counsel, Gregory Bates, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20), and *Anders v. California*, 386 U.S. 738 (1967).<sup>1</sup> Boyce filed a response.<sup>2</sup> Upon consideration of the report, Boyce's response, and an

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

<sup>2</sup> Boyce's response is entirely devoted to claiming sole responsibility for the crimes with which he was charged in an apparent effort to clear the names of his co-actors because he "feel[s] bad" for  
(continued)

independent review of the record as mandated by *Anders*, we conclude that the judgment may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

The criminal complaint charged Boyce with felony murder, arson of a building, and mutilating a corpse, as a party to the crimes, stemming from events that occurred in July 2017. According to the complaint, the fire department responded to a call at a duplex where the victim in this matter resided. As firefighters made their way through the unit, they located the body of the elderly victim underneath a burning blanket. The victim was face down on the floor and his hands and feet were bound with heavy chains. Firefighters additionally observed that the victim appeared to have been severely beaten. The victim was declared dead at the scene.

The police investigation that followed revealed that the victim's vehicle was missing. The police also learned that the victim's debit card was being used at various locations in the days prior to and following the fire.

Approximately two weeks after the fire, police conducted a traffic stop involving Boyce, who was taken into custody for violating his probation. There were several minor children in the car at the time of the stop, and at Boyce's request, police called the children's mother, Ebone Spencer, to the scene. A short time later, Ebone Spencer and Quincy Qualls showed up in the victim's stolen vehicle. They were arrested. As detailed in the complaint, Qualls, Spencer, and

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getting them involved. The new version of the facts that Boyce presents—which differs from the version presented in the criminal complaint that was used as the factual basis for Boyce's pleas—does not create an issue of arguable merit for Boyce's appeal. We additionally note in passing that the version of the facts Boyce presents is at odds with statements given to the police by Boyce's co-actors, as detailed in the complaint.

Boyce all made incriminating statements regarding their involvement in a plan to enter the victim's home to take his money and car.

Boyce told police that after entering the home and finding the victim asleep, Boyce used chains to tie the victim's hands and ankles together. Boyce also admitted to repeatedly punching the victim and placing a blanket over him. After searching the home for a PIN number for the victim's debit card and for the title to the victim's vehicle, Boyce checked on the victim, but could not find a pulse. Boyce said that he and Spencer then found lighter fluid under the sink, poured it on the blanket covering the victim's body, and lit it on fire before leaving the scene.

Spencer's statement to police varied from Boyce's as to the timing of the events. She said that she, Boyce, and Qualls entered the victim's home, tied him up, and stole his car. The following night, the group returned to the victim's home. Upon finding the victim dead, Spencer poured a flammable liquid on the blanket covering him and Boyce lit the match.

Boyce entered into a plea agreement with the State. Pursuant to the agreement, Boyce pled guilty to felony murder and arson of a building and the State agreed to move the court to dismiss but read in the charge of mutilating a corpse. The State additionally agreed to recommend a substantial prison sentence, leaving the precise length of imprisonment to the sound discretion of the circuit court. At the plea hearing, the State made it clear that it would seek all lawful restitution.

The circuit court conducted a plea colloquy, accepted Boyce's guilty pleas, and found him guilty. The circuit court sentenced him to twenty years of initial confinement and five years of extended supervision on the felony murder charge and three years of initial confinement and five years of extended supervision on the arson of a building charge, to run consecutively. In

addition, the circuit court ordered Boyce jointly and severally responsible for restitution totaling \$94,728.08.

The no-merit report addresses the potential issues of whether Boyce's pleas were valid and whether the circuit court properly exercised its discretion during sentencing. The plea colloquy, when augmented by the plea questionnaire and waiver of rights form, the addendum, and the applicable jury instructions, demonstrate Boyce's understanding of the information he was entitled to and that his pleas were knowingly, voluntarily, and intelligently entered. *See State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986); *see also State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987). Additionally, the record reveals that the circuit court considered and applied the relevant sentencing factors. This court is satisfied that the no-merit report properly concludes the issues it raises are without merit and will not discuss them further. We will, however, discuss a few issues that the no-merit report does not analyze.

First, we note that on two separate occasions while this case was pending, the circuit court ordered competency evaluations of Boyce, per the request of Boyce's trial counsel. Following each examination, the evaluating psychologist issued a report opining that Boyce was competent to proceed, and Boyce did not further challenge those determinations. *See State v. Byrge*, 2000 WI 101, ¶31, 237 Wis. 2d 197, 614 N.W.2d 477 ("Requiring that a criminal defendant be competent has a modest aim: It seeks to ensure that he has the capacity to understand the proceedings and to assist counsel." (citation omitted)). Additionally, during the proceedings, Boyce sought to enter a special plea of not guilty by reason of mental disease or defect (NGI). The circuit court ordered Boyce evaluated for the plea. After the appointed examiner concluded that the NGI plea(s) lacked support, Boyce withdrew it(them). Based on the

record before us, there would be no arguable merit to challenges based on Boyce's legal competency or the decision not to pursue the NGI plea(s).

Second, we reviewed the circuit court's decision to order that Boyce be held jointly and severally liable with his co-actors for restitution totaling \$94,728.08. During the sentencing hearing, Boyce stipulated to the amount of restitution requested; however, his trial counsel flagged as an issue Boyce's ability to pay. The circuit court then analyzed the factors set forth in WIS. STAT. § 973.20(13)(a) and concluded that ordering Boyce jointly and severally responsible for the amount identified was appropriate. The record supports the circuit court's exercise of discretion in ordering restitution. *See State v. Madlock*, 230 Wis. 2d 324, 329, 602 N.W.2d 104 (Ct. App. 1999) ("A request for restitution is addressed to the [circuit] court's discretion."). As such, there would be no arguable merit to a challenge on this basis.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the convictions, and discharges appellate counsel of the obligation to represent Boyce further in this appeal.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Gregory Bates is relieved of further representation of Boyce in this matter. *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*