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DISTRICT I

April 19, 2022

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

2020AP1766-CRNM State of Wisconsin v. Sharon Dyon Williams (L.C. # 2016CF966)

Before Brash, C.J., Dugan and White, 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).

Counsel for Sharon Dyon Williams has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738, 744 (1967).² Counsel provided Williams with a copy of the report, and both counsel and this court advised her of her right to file a response. Williams has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, as mandated by *Anders*, we conclude that there is no arguable merit to any issue that could be raised on appeal.

After a jury trial, Williams was convicted of first-degree reckless injury and felony bail jumping, contrary to WIS. STAT. §§ 940.23(1)(a) and 946.49(1)(b). The court imposed a sentence totaling thirteen years of initial confinement and eleven years of extended supervision.

The no-merit report addresses whether the evidence was sufficient to support the conviction. We affirm the verdict unless the evidence, viewed most favorably to the State and the conviction, is so insufficient in probative value and force that no reasonable trier of fact could have found guilt beyond a reasonable doubt. *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Credibility of witnesses is for the trier of fact. *Id.* at 504.

Without attempting to recite the evidence in detail here, we are satisfied that there would be no arguable merit to challenging the sufficiency of the evidence. In order to find Williams

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

² Attorney Kaitlin Lamb filed the no-merit report on behalf of Sharon Dyon Williams. On December 16, 2020, this court received notice from Assistant State Public Defender Brian Patrick Mullins that Attorney Lamb was no longer representing Williams and that Attorney Mullins had been appointed as successor counsel. On January 26, 2022, in response to an order of this court requesting a status report, Attorney Mullins informed the court that he intended to proceed with the no-merit appeal using the no-merit report filed by Attorney Lamb.

guilty of first-degree reckless injury, the jury was required to find that the State proved beyond a reasonable doubt that Williams recklessly caused great bodily harm to the victim, T.J., under circumstances which showed utter disregard for human life. *See* WIS. STAT. § 940.23(1); WIS JI—CRIMINAL 1250.

The State elicited testimony from T.J. that Williams and her two daughters came to T.J.'s residence, beating on the door and yelling. T.J. testified that she opened the door, Williams and her daughters barged in, and Williams tried to swing at T.J. T.J. testified that she had been holding her baby at the time and that she put the baby down. According to T.J., Williams then reached around one of her daughters and around T.J.'s brother, and stabbed T.J. with a butcher knife. T.J. testified that she saw the knife when it was withdrawn from her body, and described intense pain. T.J. testified in detail about the nature of her injuries, including damage to her pancreas and liver, as well as the many hours of surgery that she underwent to close the incision.

The State also elicited testimony from T.J.'s brother and from two neighbors, C.S. and A.M.M. Both T.J.'s brother and C.S. testified that they saw Williams stab T.J. A.M.M. testified that she went downstairs to T.J.'s apartment after hearing banging and yelling and saw Williams pull a knife out of T.J. In light of all of the evidence presented by the State, we agree with counsel that there would be no arguable merit to challenging the sufficiency of the evidence to support Williams's conviction for first-degree reckless injury.

We likewise conclude that there would be no arguable merit to challenging the sufficiency of the evidence to support the bail jumping conviction. In order to find Williams guilty of bail jumping, the jury was required to find that the State proved beyond a reasonable doubt that Williams was charged with a felony, that Williams was released from custody on bond, and that

Williams intentionally failed to comply with the terms of the bond. *See* WIS. STAT. § 946.49(1); WIS JI—CRIMINAL 1795. Williams stipulated that, at the time of the alleged offense, she was released on bond for a felony and that one of the conditions of the bond was that she not commit any crime. In light of the stipulation, as well as all of the facts above related to the felony of first-degree reckless injury, we are satisfied that the evidence is sufficient to support Williams’s bail jumping conviction.

The no-merit report also discusses whether the sentencing court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶41-46, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

The no-merit report also addresses whether the circuit court erred by denying Williams’s postconviction motion to commute or stay her sentence due to COVID-19. Williams argued that her prison sentence should be commuted or stayed in light of the ongoing COVID-19 pandemic and Williams’s numerous health issues. Williams argued that the COVID-19 pandemic was a new factor, unknown to the court at sentencing, which warranted sentence modification. *See State v. Harbor*, 2011 WI 28, ¶40, 333 Wis. 2d 53, 797 N.W.2d 828. The circuit court denied the motion, reasoning that, although the COVID-19 pandemic was a factor not known to the trial judge at the time of sentencing, it was not a fact that was highly relevant to the imposition of her sentence. Referencing the extremely violent nature of the crime, the court stated that the prison sentence was essential to punish the defendant, deter the extremely violent conduct, and protect the community. This court reviews a circuit court’s determination of whether a new factor justifies sentence modification for erroneous exercise of discretion. *Id.*, ¶33. In light of the standard of review, we

see no arguable basis to assert that the circuit court erred in denying the motion for sentence modification.

An independent review of the record discloses no other potential issues for appeal.

Accordingly,

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

IT IS FURTHER ORDERED that Attorney Brian Patrick Mullins is relieved of any further representation of Sharon Dyon Williams in this matter pursuant to WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals