



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT III

June 22, 2022

To:

Hon. Mark J. McGinnis
Circuit Court Judge
Electronic Notice

Winn S. Collins
Electronic Notice

Barb Bocik
Clerk of Circuit Court
Outagamie County Courthouse
Electronic Notice

Demetrius Lamar Williams 698421
Columbia Correctional Center
2925 Columbia Drive
Portage, WI 53901-0950

Susan E. Alesia
Electronic Notice

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

2021AP1897-CRNM State of Wisconsin v. Demetrius Lamar Williams
2021AP1898-CRNM (L. C. Nos. 2020CF523, 2020CF211)

Before Stark, P.J., Hruz and Grogan, 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, counsel for Demetrius Williams has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20),¹ concluding that no grounds exist to challenge Williams' convictions for one count of first-degree intentional homicide; one count of attempted first-degree intentional homicide (domestic abuse); and one count of taking hostages (release without bodily harm). Williams was informed of his right to file a response to the no-merit report, and he has not responded. Upon our independent review of the records as mandated by

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

Anders v. California, 386 U.S. 738 (1967), we conclude that there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgments of conviction. See WIS. STAT. RULE 809.21.

In Outagamie County case No. 2020CF211, Williams was charged with first-degree intentional homicide; attempted first-degree intentional homicide (domestic abuse); and attempted first-degree intentional homicide of an unborn child. The criminal complaint alleged that on February 27, 2020, Williams attacked Victim 1, a woman he was dating who was pregnant with their child. Williams initially sprayed Victim 1’s face with pepper spray to disable her by impairing her vision. He then began beating Victim 1 and stabbed her repeatedly with multiple knives. Williams then attacked Victim 2—Victim 1’s three-year-old daughter—repeatedly stabbing and slashing her face and throat with a knife and a box cutter. Victim 2 died as a result of her injuries, and Victim 1 suffered numerous lacerations that required emergency surgery.

Williams called 911 following the attacks and reported that he had stabbed Victim 1 and Victim 2. Williams was subsequently interviewed by police after he received *Miranda*² warnings and agreed to waive his *Miranda* rights. During the interview, Williams admitted stabbing both Victim 1 and Victim 2. Williams also admitted that he had been planning to kill Victim 1 and Victim 2 for at least one week before the attacks. He further admitted that he had attacked Victim 2 because he knew that Victim 1 and Victim 2 were very close and “killing Victim 2 would bring Victim 1 great pain.”

² See *Miranda v. Arizona*, 384 U.S. 436 (1966).

Additional criminal charges were subsequently filed against Williams in Outagamie County Case No. 2020CF523. According to the criminal complaint in that case, Williams and another inmate made a plan to escape from the Outagamie County Jail by taking a guard hostage. On June 7, 2020, Williams hid in the corner of his cellblock behind a piece of cardboard provided by the other inmate. When a female corrections officer entered the cellblock to check on the inmates, Williams came out from behind the cardboard, grabbed the officer, and took her radio, body camera, and a device used to monitor inmates' locations. Williams held sharpened pencils to the officer's upper arm and neck areas and demanded that she open the other inmate's cell. The officer was ultimately able to escape after distracting Williams. Based on these events, Williams was charged with one count of taking hostages (release without bodily harm) and one count of attempted escape.

Williams' trial attorneys raised concerns regarding Williams' competency to proceed on two occasions, and in each instance a competency evaluation was ordered. Both evaluations concluded that Williams was competent to proceed. Williams did not challenge either evaluator's conclusion regarding his competency, and on both occasions the circuit court accepted the evaluator's conclusion that Williams was competent.

Following the second competency evaluation, Williams entered pleas of not guilty by reason of mental disease or defect (NGI) to the charges in case No. 2020CF211. After obtaining an expert's report, however, Williams' attorneys notified the court that Williams was withdrawing his NGI pleas. During a hearing, Williams confirmed that he had discussed the decision to withdraw his NGI pleas with his attorneys and that they had explained the advantages and disadvantages of that decision.

The parties ultimately entered into a global plea agreement that resolved both of the cases discussed above. In case No. 2020CF211, Williams pled no contest to first-degree intentional homicide and attempted first-degree intentional homicide (domestic abuse). In case No. 2020CF523, Williams pled no contest to taking hostages (release without bodily harm). In exchange for Williams' pleas, the remaining counts in both cases were dismissed and read in on the State's motion. The State agreed to recommend concurrent sentences on all three counts, but the parties were otherwise free to argue at sentencing.

Following a plea colloquy, supplemented by a signed plea questionnaire and waiver of rights form, the circuit court accepted Williams' no-contest pleas, finding that they were freely, voluntarily, and intelligently made. The court further found that the criminal complaint in each case set forth an adequate factual basis for Williams' pleas. The court subsequently sentenced Williams to life in prison on the first-degree intentional homicide charge, with eligibility for release to extended supervision after forty years. On the charge of attempted first-degree intentional homicide (domestic abuse), the court sentenced Williams to forty years' initial confinement and twenty years' extended supervision, concurrent to his sentence of the first-degree intentional homicide charge. On the charge of taking hostages (release without bodily harm), the court sentenced Williams to five years' initial confinement and five years' extended supervision, consecutive to his sentences on the other two counts.

The no-merit report addresses whether Williams' no-contest pleas were knowing, intelligent, and voluntary; and whether the circuit court erroneously exercised its discretion when sentencing Williams. Having independently reviewed the records, we agree with counsel's description, analysis, and conclusion that these potential issues lack arguable merit, and we therefore do not address them further.

The no-merit report also asserts that any claim “that there was some other manifest injustice in connection with Mr. Williams’ pleas would be wholly frivolous and without arguable merit.” Based on our independent review of the records, we agree with counsel’s conclusion in that regard. In particular, we note that there would be no arguable merit to a claim that Williams’ trial attorneys were ineffective by failing to seek suppression of Williams’ incriminating statements to law enforcement, as the record reflects that Williams waived his *Miranda* rights before speaking with law enforcement, and as there is no indication in the record that Williams’ statements were involuntary. In addition, there is nothing in the record to indicate that Williams’ trial attorneys were ineffective with respect to either their challenges to Williams’ competency or the withdrawal of his NGI pleas.

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

Therefore,

IT IS ORDERED that the judgments are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Susan Alesia is relieved of further representing Demetrius Williams in these matters. *See* 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