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DISTRICT I

September 20, 2022

To:

Hon. Mark A. Sanders
Circuit Court Judge
Electronic Notice

George Christenson
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Winn S. Collins
Electronic Notice

Jill Marie Skwor
Electronic Notice

Lonnie Ray Ingram 165446
Redgranite Correctional Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

2022AP664-CRNM	State of Wisconsin v. Lonnie Ray Ingram (L.C. # 2018CF5161)
2022AP665-CRNM	State of Wisconsin v. Lonnie Ray Ingram (L.C. # 2019CF3490)

Before Donald, P.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).

Lonnie Ray Ingram appeals judgments convicting him of operating while intoxicated as a fourth offense and operating while intoxicated as a fifth offense. Attorney Jill M. Skwor filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2019-20);¹ *Anders v. California*, 386 U.S. 738, 744 (1967). Ingram was advised of his right to respond, but he has not done so. After considering the no-merit report and conducting an independent review of the record as mandated by *Anders*, we conclude that there are no issues of

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

arguable merit that Ingram could raise on appeal. Therefore, we summarily affirm. *See* WIS. STAT. RULE 809.21.

Ingram drove a motor vehicle while intoxicated through an intersection and collided with another vehicle. He eventually pled guilty to driving while intoxicated as a fourth offense for his actions. Prior to his plea, however, and while that charge was pending, Ingram drove under the influence of alcohol and was caught speeding. Ingram pled guilty to driving while intoxicated as a fifth offense for this conduct.

The no-merit report addresses whether Ingram’s guilty pleas were knowingly, intelligently, and voluntarily entered. In order to ensure that a defendant is knowingly, intelligently, and voluntarily waiving the right to trial by entering a plea, the circuit court must conduct a colloquy with the defendant to ascertain whether the defendant understands the elements of the crime to which he is pleading guilty, the constitutional rights he is waiving by entering the plea, and the maximum potential penalties that could be imposed. *See* WIS. STAT. § 971.08; *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. A plea questionnaire and waiver-of-rights form that the defendant has acknowledged reviewing and understanding may reduce “the extent and degree of the colloquy otherwise required between the [circuit] court and the defendant...” *State v. Hoppe*, 2009 WI 41, ¶42, 317 Wis. 2d 161, 765 N.W.2d 794 (citation omitted).

The circuit court conducted a thorough plea colloquy with Ingram that fully complied with WIS. STAT. § 971.08. Ingram agreed that the factual allegations in the complaints provided a sufficient factual basis for his guilty pleas. The circuit court ascertained that Ingram reviewed the plea questionnaire and waiver-of-rights forms as to each case with his attorney. Based on the

circuit court's thorough colloquy, we conclude that there would be no arguable merit to an appellate challenge to the guilty pleas.

The no-merit report also addresses whether there would be arguable merit to a claim that the circuit court misused its discretion when it sentenced Ingram. The circuit court sentenced Ingram to seventeen months of initial confinement and two years of extended supervision for operating while intoxicated as a fifth offense. The circuit court sentenced Ingram to twelve months in jail for operating while intoxicated as a fourth offense, to be served concurrently. The circuit court considered appropriate factors in deciding the length of sentence to impose and explained its decision in accordance with the framework set forth in *State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. Therefore, there would be no arguable merit to an appellate challenge to the sentences.

Our independent review of the record also reveals no arguable basis for reversing the judgments of conviction. Therefore, we accept the no-merit report, affirm the judgments of conviction, and relieve Attorney Skwor of further representation of Ingram.

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

IT IS FURTHER ORDERED that Attorney Jill M. Skwor is relieved of further representation of Ingram 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