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**DISTRICT I**

January 24, 2023

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Circuit Court Judge  
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Anna Hodges  
Clerk of Circuit Court  
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You are hereby notified that the Court has entered the following opinion and order:

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2022AP680-CR

State of Wisconsin v. Lawrence Curtis Woods, Jr.  
(L.C. # 2019CF411)

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).**

Lawrence Curtis Woods, Jr. appeals his judgment of conviction, following guilty pleas, to one count of armed robbery as a party to a crime, and one count of false imprisonment as a party to a crime. He also appeals from the order denying his postconviction motion for relief. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate

for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).<sup>1</sup> We summarily affirm the judgment and order.

On January 29, 2019, the State charged Woods with one count of armed robbery, as a party to a crime, one count of false imprisonment, as a party to a crime, and one count of possession of a firearm by a felon. In March 2020, the State filed an amended information charging Woods with six counts of armed robbery as a party to a crime, five counts of false imprisonment as a party to a crime and with the use of a dangerous weapon, one count of substantial battery as a party to a crime and with the use of a dangerous weapon, and one count of possession of a firearm by a felon. The charges stemmed from Woods's involvement in an armed robbery at the Crowne Plaza Hotel in Wauwatosa.

Ultimately, the matter was resolved via a plea agreement, whereby Woods pled guilty to one count of armed robbery and one count of false imprisonment, both as a party to a crime. In exchange, the State agreed to dismiss and read in the remaining charges and recommend a substantial term of imprisonment in the Wisconsin State Prison System.

During the colloquy, the circuit court misstated the possible bifurcation of the forty-year maximum penalty for the armed robbery conviction. Armed robbery carries a maximum penalty of forty years of imprisonment consisting of twenty-five years of initial confinement and fifteen years of extended supervision, as well as a \$100,000 fine. *See* WIS. STAT. §§ 943.32(2), 939.50(3)(c), 973.01(2)(b)3., (d)2. However, the circuit court stated:

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

If you are convicted of [armed robbery] you face a maximum penalty of a \$100,000 fine, 40 years in prison consisting of a possible 20 years initial confinement, 20 years extended supervision, or both. Do you understand the nature of the charge and the amended information in Count 3 and the maximum penalty?

Woods stated that he understood.

The circuit court accepted Woods's pleas and sentenced him to twelve years of initial confinement and six years of extended supervision for armed robbery, and three years of initial confinement and three years of extended supervision for false imprisonment, to run concurrent with the armed robbery sentence.

On October 1, 2021, Woods, through counsel, filed a postconviction motion seeking to withdraw his plea on the grounds that his plea to armed robbery was not knowing, intelligent, and voluntary. Specifically, Woods alleged that he was unaware of the correct penalty for armed robbery during the plea hearing because the circuit court misadvised him that the maximum term of initial confinement was twenty years, as opposed to twenty-five years.

At a hearing on the motion, Woods's counsel testified that the plea questionnaire had the correct bifurcation for the armed robbery maximum, that Woods thoroughly reviewed the plea questionnaire, and that Woods never expressed any misunderstanding regarding the potential maximum for the armed robbery charge. The postconviction court denied Woods's motion. This appeal follows.

A defendant who seeks to withdraw a guilty or no-contest plea after sentencing "must prove, by clear and convincing evidence, that a refusal to allow withdrawal of the plea would result in [a] manifest injustice." *State v. Taylor*, 2013 WI 34, ¶24, 347 Wis. 2d 30, 829 N.W.2d

482 (citations and internal quotation marks omitted). One way to show a “manifest injustice is to prove that [the] plea was not entered knowingly, intelligently, and voluntarily.” *Id.* As relevant here, for a plea to be knowing, intelligent, and voluntary, the circuit court must ensure that the defendant understands the “range of punishments to which he is subjecting himself by entering a plea.” See *State v. Cross*, 2010 WI 70, ¶18, 326 Wis. 2d 492, 786 N.W.2d 64 (citation omitted). If the circuit court determines that an evidentiary hearing is necessary, the burden shifts to the State to “show by clear and convincing evidence that the defendant’s plea was knowing, intelligent, and voluntary despite the identified inadequacy of the plea colloquy.” *State v. Brown*, 2006 WI 100, ¶40, 293 Wis. 2d 594, 716 N.W.2d 906. Whether a plea was knowingly, intelligently, and voluntarily entered is a question of constitutional fact that we review independently. See *Taylor*, 347 Wis. 2d 30, ¶25.

Woods contends that he is entitled to withdraw his plea because the circuit court “affirmatively misadvised” him of the maximum terms of initial confinement and extended supervision. Woods is mistaken.

At the evidentiary hearing, Woods’s trial counsel testified that he discussed the possibility of a plea agreement with Woods multiple times and that Woods was aware of the bifurcated sentence for armed robbery. Counsel stated that when Woods ultimately decided to enter a plea agreement, counsel sent Woods the same plea form he had sent Woods weeks prior (which correctly stated the bifurcated sentence). Woods stated that he did not need to read the form again, however, counsel stated that he still reviewed the form with Woods. Counsel stated that Woods was actively involved with his litigation and was so observant that he even caught an error on the plea form pertaining to the bifurcated sentence for false imprisonment. Counsel

stated that despite the circuit court’s misstatement, Woods never indicated that he was confused about the potential penalty he faced.

The circuit court ultimately found that “[t]he form and what was represented by counsel clearly shows that the defendant knew and understood the correct penalties for the armed robbery, which he plead[ed] guilty to.” Based upon the totality of the evidence, we conclude that the record supports the circuit court’s determination that the State met its burden to show that Woods understood the potential range of punishment for his plea to armed robbery, despite the error in the plea colloquy. Accordingly, we affirm the judgment and order.

For the foregoing reasons, we affirm the judgment of conviction and the order denying Woods’s motion to withdraw his pleas.

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

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*