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**DISTRICT II**

May 1, 2024

To:

Hon. Timothy D. Boyle  
Circuit Court Judge  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Amy Vanderhoef  
Clerk of Circuit Court  
Racine County Courthouse  
Electronic Notice

Morris S. Martin, #645893  
Racine Youthful Offender Corr. Facility  
P.O. Box 2500  
Racine, WI 53404-2500

Douglas C. McIntosh  
Electronic Notice

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

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2023AP1487-CRNM      State of Wisconsin v. Morris S. Martin (L.C. #2020CF100)

Before Neubauer, Grogan and Lazar, 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).**

Morris S. Martin appeals from a judgment convicting him of first-degree reckless injury, use of a dangerous weapon, as a repeater, with the firearm enhancer and one count of felony bail jumping. Douglas C. McIntosh, appointed counsel for Morris S. Martin, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Martin with a copy of the report, and both counsel and this court advised him

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

of his right to file a response. Martin 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, we conclude there is no arguable merit to any issue that could be raised on appeal. We affirm.

After an incident in which Martin shot a man in the groin and fired shots at another man, Martin and the State reached a plea agreement whereby Martin pled no contest to an amended count of first-degree reckless injury, use of a dangerous weapon, as a repeater with the firearm mandatory minimum enhancer. He also pled no contest to one count of felony bail jumping as a repeater. Several other charges were either dismissed outright, or dismissed and read in as part of the plea agreement. The circuit court sentenced Martin to an aggregate term of eight years of initial confinement and ten years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether there would be any validity to an attempt by Martin to challenge the legitimacy of the plea. Our review of the Record establishes that the plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Martin was waiving, and other matters. Martin also completed, signed, and filed with the circuit court a valid plea questionnaire and waiver of rights specifically laying out the terms, understandings, and consequences of Martin's plea. The Record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report also addresses whether the circuit 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, ¶¶17-51, 270

Wis. 2d 535, 678 N.W.2d 197. In this case, the circuit court considered appropriate factors, did not consider improper factors, and reached a reasonable result. The aggregate sentence of eighteen years was less than the twenty years of imprisonment the State had recommended in accordance with the plea agreement, and far less than the maximum potential penalty of forty years total imprisonment. There is no arguable merit to this issue.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Douglas C. McIntosh is relieved of further representation of Morris S. Martin 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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*Samuel A. Christensen*  
*Clerk of Court of Appeals*