

STATE OF WISCONSIN

CIRCUIT COURT  
Branch 25

MILWAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

TOMMIE L. HOLLIS,

Defendant.

Case No. 12CF000981



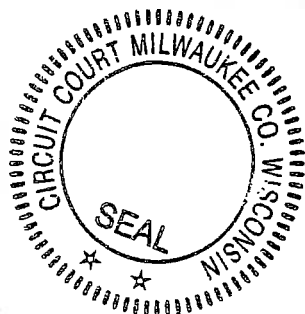
**DECISION AND ORDER  
DENYING MOTION TO WITHDRAW AS COUNSEL**


On December 11, 2013, Attorney Paul G. Bonneson filed a motion to withdraw as the defendant's postconviction/appellate attorney after the defendant indicated that he wished to hire another attorney at his expense. On December 20, 2013, the court issued a written order advising the defendant that the Public Defender's Office would not appoint successor counsel if Attorney Bonneson were permitted to withdraw and informing him of the risks and responsibilities of proceeding *pro se* if he were unable to retain a lawyer. The order directed the defendant to submit a response to the court within 20 days either showing proof that counsel was retained or demonstrating that he understands the risks and responsibilities of proceeding *pro se*, if he must do so because he is unable to retain an attorney, and that he is competent to represent himself. The court indicated that if the defendant failed to respond within 20 days, counsel's motion would be denied. Having received no response from the defendant, the court denies Attorney Bonneson's motion to withdraw.

**THEREFORE, IT IS HEREBY ORDERED** that Attorney Bonneson's motion to withdraw as counsel is **DENIED**.

Dated this 27 day of January 2014 at Milwaukee, Wisconsin.

BY THE COURT:



  
Stephanie G. Rothstein  
Circuit Court Judge

EX-A

STATE OF WISCONSIN

CIRCUIT COURT  
Branch 25

MILWAUKEE COUNTY

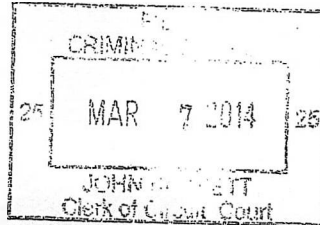
STATE OF WISCONSIN,

Plaintiff,

vs.

TOMMIE L. HOLLIS,

Defendant.



Case No. 12CF000981

**DECISION AND ORDER  
GRANTING MOTION TO WITHDRAW AS COUNSEL**

On December 11, 2014, Attorney Paul G. Bonneson filed a motion to withdraw as postconviction/appellate counsel, and the court issued a four-page order asking the defendant to respond within 20 days. The defendant did not timely respond, and on February 14, 2014, Attorney Bonneson filed a second motion to withdraw. The court issued another four-page order asking the defendant to respond to the four points in the order, but the defendant did not do so and, therefore, the motion was again denied. The court allowed the defendant an additional ten days to file a complete response to the four-page order, which he timely filed on March 6, 2014.

The whole of the defendant's submissions indicate that he understands the risks and consequences of proceeding *pro se* if he is unable to hire a different attorney. This includes not having the public defender's office appoint successor counsel if he is unable to find another attorney. The court is satisfied that the defendant understands the ramifications of allowing Attorney Bonneson to withdraw as postconviction/appellate counsel, and therefore, it will grant Attorney Bonneson's motion.

**THEREFORE, IT IS HEREBY ORDERED** that the Attorney Bonneson's motion to withdraw as counsel is **GRANTED**.

Dated this 14<sup>th</sup> day of March, 2014, at Milwaukee, Wisconsin.

**BY THE COURT:**



*Stephanie G. Rothstein*  
Stephanie G. Rothstein  
Circuit Court Judge

EX-B

**Wisconsin State Public Defender**735 N. Water St. – Ste 912  
Milwaukee, WI 53202-4116Office Number: 414-227-4805 / Fax Number: 414-227-4508  
www.wispd.org**Kelli S. Thompson**  
State Public Defender**Jeremy C. Perri**  
Appellate Division Dir.**Andrea T. Cornwall**  
Regional Attorney Mgr.

October 11, 2016

Tommie Hollis, #486462  
Waupun Correctional Institution  
P.O. Box 351  
Waupun, WI 53963Re: State of Wisconsin v. Tommie L. Hollis  
Milwaukee County Circuit Court, Case No. 12CF981

Dear Mr. Hollis:

This is in response to your September 16, 2016 letter, asking that the State Public Defender's office appoint an attorney to represent you on appeal in the case cited above. Your letter has been forwarded to me for response.

According to electronic court records, after a jury trial, you were convicted of first-degree intentional homicide and armed robbery. On December 13, 2012, the court sentenced you to life imprisonment for the homicide, and made you ineligible for release to extended supervision. The court also imposed a concurrent sentence of ten years in prison and five years of extended supervision for armed robbery.

On December 13, 2012, your trial attorney filed a Notice of Intent to Pursue Postconviction Relief, and Attorney Paul Bonneson was appointed to represent you on appeal. At your request, Mr. Bonneson filed a motion to withdraw as your attorney so that you could proceed *pro se*. On December 20, 2013, Regional Attorney Manager Jeremy C. Perri filed with the court a Public Defender Report, and sent you a copy, indicating the SPD would not appoint another attorney to represent you on direct appeal. On March 7, 2014, the court granted the motion to withdraw, and allowed you to represent yourself on appeal. Aside from a request to correct the judgment of conviction and to vacate a DNA surcharge, it does not appear that you filed any *pro se* postconviction motion or appeal. Your direct appeal deadlines have now expired, and as you indicate in your letter, you are not entitled to an appointed attorney on appeal.

The Office of the State Public Defender has authority to appoint counsel on a discretionary basis under Wis. Stat. § 977.05(4)(j). However, such appointments are infrequently made due to our lack of resources and principal commitment to devote our limited resources to direct appeal appointments. Before making a discretionary appointment of counsel, we must be convinced of the existence of at least one issue that: has a reasonable chance of success; has statewide importance; is significant to the development of the law; will not drain agency resources away from our principal mission of providing constitutionally mandated counsel on direct appeal; and is so complex that representation by an attorney is necessary.

In your request, you list four issues that you believe could be raised on appeal. First, you write that your trial attorney failed to challenge a search warrant affidavit, which relied on hearsay. However, the rules of evidence do not apply to warrants, and some warrants can be based on reliable hearsay. *State v.*

October 11, 2016

*Benoit*, 83 Wis. 2d 389, 265 N.W.2d 298 (1978). You have not explained what warrant you want to challenge, why the hearsay is unreliable, or how this would have affected your case.

Second, you claim that an affidavit was improperly sealed at your trial. But you have not identified what affidavit was sealed, why it should not have been sealed, and how this affected your trial.

Third, you write that your trial attorney's motion to find you incompetent to stand trial was defective. However, you have not pointed to any facts that should have been included, or any other evidence to support a finding of incompetence.

Finally, you claim defense counsel should have challenged your statements as inadmissible under the Sixth Amendment. Again, you have not pointed to any facts or law to support this argument. Electronic court records reflect that a motion to suppress statements was filed in your case, but you have not explained why that motion did not adequately raise this issue.

For these reasons, I am unable to find that your case satisfies the SPD's criteria for discretionary appointment. Consequently, I must deny your request to appoint counsel in this matter.

Sincerely,



Andrea Taylor Cornwall  
Regional Attorney Manager



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215

P.O. Box 1688

MADISON, WISCONSIN 53701-1688

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Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT I**

June 28, 2022

To:

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

Winn S. Collins  
Electronic Notice

Tommie L. Hollis 486462  
Waupun Correctional Inst.  
P.O. Box 351  
Waupun, WI 53963-0351

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

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2013XX1441-CR

State of Wisconsin v. Tommie L. Hollis (L.C. # 2012CF981)

Before Donald, P.J.

Tommie L. Hollis, proceeding *pro se*, has filed a document that he captioned "motion to reinstate rights under § 809.30." In the submission, Hollis shows that he was convicted of felonies in 2012, and the State Public Defender appointed counsel to represent Hollis in postconviction proceedings. His appointed postconviction and appellate counsel, Attorney Paul G. Bonneson, subsequently moved the circuit court for leave to withdraw, and the circuit court granted the motion by order dated March 7, 2014. Hollis includes a copy of that order with his submission. The order reflects that the circuit court allowed Attorney Bonneson to withdraw after Hollis filed responses to the withdrawal motion and after the circuit court determined that Hollis understood the risks and consequences of proceeding *pro se*.

This court's records show that, following Attorney Bonneson's withdrawal in circuit court, we granted Hollis two extensions of his deadline for filing a postconviction motion or

APP-1

notice of appeal, ultimately establishing a deadline of September 15, 2014. Hollis did not move this court for further relief after that deadline passed. Electronic circuit court docket entries indicate, however, that Hollis filed a variety of documents in the circuit court, including a petition, motions, and correspondence, the last of which the circuit court docketed in May 2020. On June 23, 2022, he filed the “motion to reinstate rights” currently before us.

The legal basis on which Hollis seeks relief is not clear. At some points in his submission, Hollis appears to allege that the circuit court conducted an inadequate colloquy with him before discharging Attorney Bonneson. To the extent that Hollis seeks an extension of appellate deadlines on that ground, the motion will be denied. This court may extend certain deadlines for good cause. *See* WIS. STAT. RULE 809.82(2)(a) (2019-20). Hollis, however, does not reveal the specifics of his colloquy with the circuit court, and thus he fails to demonstrate that the substance of the colloquy constitutes good cause for an extension now. Moreover, he fails to show that an additional or different colloquy would have affected the proceedings. Instead, he speculates that a further inquiry might have raised concerns about his competency to proceed *pro se*. His speculative assertions are insufficient to constitute good cause to extend appellate deadlines.<sup>1</sup>

Hollis also appears to suggest that Attorney Bonneson erred by not pursuing Hollis’s appeal while the motion to withdraw was pending. To the extent, if any, that Hollis is asserting

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<sup>1</sup> Among the materials that Hollis submitted with his motion is an excerpt from a transcript of proceedings apparently held a few days before the start of his trial. According to the excerpt he submitted, trial counsel advised the circuit court that counsel wanted to explore a possible plea of not guilty by reason of mental disease or defect, adding: “I am not raising competency. I want to be clear about that.”

No. 2013XX1441-CR

that his appellate rights expired due to the ineffective assistance of his appointed appellate counsel, a defendant seeking relief on that ground may not do so by motion. Rather, a claim that counsel was ineffective for failing to pursue an appeal must be raised in a petition for a writ of habeas corpus filed under *State v. Knight*, 168 Wis. 2d 509, 484 N.W.2d 540 (1992). See *State v. Evans*, 2004 WI 84, ¶¶4, 59, 273 Wis. 2d 192, 682 N.W.2d 784, *abrogated on other grounds* by *State ex rel. Coleman v. McCaughtry*, 2006 WI 49, ¶29, 290 Wis. 2d 352, 714 N.W.2d 90. The motion that Hollis filed in this proceeding does not permit the court of appeals to address a claim of ineffective assistance of appellate counsel.

Therefore,

IT IS ORDERED that the “motion to reinstate rights under § 809.30” is denied.

---

*Sheila T. Reiff*  
*Clerk of Court of Appeals*



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215

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**DISTRICT I**

July 22, 2022

To:

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

Winn S. Collins  
Electronic Notice

Tommie L. Hollis 486462  
Waupun Correctional Inst.  
P.O. Box 351  
Waupun, WI 53963-0351

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

---

2013XX1441-CR

State of Wisconsin v. Tommie L. Hollis (L.C. # 2012CF981)

Before Donald, P.J.

Tommie L. Hollis, *pro se*, moves for reconsideration of our order dated June 28, 2022. After reviewing the motion, we conclude that reconsideration is not warranted.

Therefore,

IT IS ORDERED that the motion for reconsideration is denied.

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*Sheila T. Reiff*  
Clerk of Court of Appeals



1 STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

2 \_\_\_\_\_

3 STATE OF WISCONSIN,

4 Plaintiff,

5 vs. CASE NO. 12CF000981

6 TOMMIE L. HOLLIS,

7 Defendant.

8 \_\_\_\_\_

9 September 6, 2012 Before the Honorable,  
10 ELLEN R. BROSTROM,  
11 Circuit Court Judge,  
12 Br. 6, presiding.

13 Charge(s): First Degree Intentional Homicide,  
14 Armed Robbery (Party to a Crime)

15 A P P E A R A N C E S:

16 KEVIN SHOMIN, Assistant District Attorney,  
17 appeared on behalf of the State of Wisconsin.

18 SCOTT D. OBERNBERGER, Attorney at Law, appeared on  
19 behalf of the defendant, Mr. Hollis, who appeared in  
20 person.

21  
22 HEARING

23 Official reporter:  
24 Lee Ann Philbert

25

COPIES  
EX-12

1           WHEREUPON, the following proceedings were begun  
2 and testimony taken:

3           THE CLERK: State of Wisconsin versus Tommie  
4 Hollis, 12CF981, first degree intentional homicide,  
5 party to a crime, use of dangerous weapon, armed robbery  
6 with use of force, party to a crime. Appearances?

7           MR. SHOMIN: Kevin Shomin for the State.

8           MR. OBERNBERGER: Good afternoon, Your Honor. Mr.  
9 Hollis appears in person, represented by Scott  
10 Obernberger.

11           THE COURT: Good afternoon, Mr. Obernberger, Mr.  
12 Hollis and Mr. Shomin. We are here on a request of the  
13 defense, I think Mr. Obernberger you thought it made  
14 sense to meet today to speak about something that had  
15 come up.

16           MR. OBERNBERGER: That's correct, judge and I want  
17 to thank the Court for letting us come in pretty  
18 unplanned. I came by yesterday around the noon hour. I  
19 have been informed after spending the morning with Mr.  
20 Hollis, approximately 10:30 or so Mr. Hollis indicated  
21 to me for the first time, at the time of this offense he  
22 was not on medication, was hearing voices and believes  
23 that he has a cognizable N.G.I. defense.

24           Obviously that is a very serious, serious defense,  
25 one which none of the parties or court can take lightly

1 and it is something I would be remiss if I didn't bring  
2 to the Court's attention now that it's been brought to  
3 my attention.

4 I think it does need to be explored, obviously.  
5 At this point we are requesting an evaluation for an  
6 N.G.I. special plea. I apologize to the court for the  
7 late nature of it. Again, I was just informed of this  
8 yesterday.

9 I am not raising competency. I want to be clear  
10 on that. I have not had difficulty in my communications  
11 with Mr. Hollis. This is a serious defense though and I  
12 think if we did not bring it, and if we did not have the  
13 evaluation conducted, if Mr. Hollis loses, this would  
14 be a ripe appellate issue one way or the other and I  
15 don't look to try to create appellate issues at any  
16 point if I can help it.

17 THE COURT: Well, this is rather late hour. I  
18 note that there is no statutory provision that sets the  
19 date by which this plea may be made. But it must be  
20 entered sufficiently in advance of trial to permit not  
21 only suitable notice to the prosecutor, but also  
22 adequate time for implementation of the procedures  
23 mandated by Statute. That's State vs. Kazee,  
24 K-A-Z-E-E, 192, Wis. Second 213. State vs. Oswald, 2000  
25 WI Act 3 says that the Court may reject a plea at later