



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](http://www.wicourts.gov)

**DISTRICT I**

October 7, 2025

To:

Hon. David C. Swanson  
Circuit Court Judge  
Electronic Notice

Nicholas DeSantis  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Mark S. Rosen  
Electronic Notice

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

---

2024AP1410-CR

State of Wisconsin v. Kamare R. Lewis (L.C. # 2021CF495)

Before Colón, P.J., Donald, and Geenen, 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).**

Kamare R. Lewis appeals a judgment, entered upon his guilty pleas, convicting him of one count of first-degree reckless homicide and one count of second-degree sexual assault, both as a party to the crime. 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 (2023-24).<sup>1</sup> We affirm.

---

<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

On February 9, 2021, the State charged Lewis with one count of first-degree intentional homicide and one count of first-degree sexual assault, both as a party to the crime. The complaint alleged that Lewis and a co-actor, Kevin T. Spencer, Jr., sexually assaulted and severely beat E.L., leaving her for dead at a Milwaukee park. When police responded to the scene, E.L. was alive and transported to a hospital, where she ultimately succumbed to her injuries.

Following his arrest, police conducted two *Mirandized*<sup>2</sup> interviews with Lewis. In the first interview, Lewis denied any involvement in the crimes and denied witnessing the assault. In the second interview, Lewis admitted to hitting E.L. and stated that she consensually performed oral sex on him. He also admitted that he helped drag E.L.'s body to the side of a pond near the park. Lewis moved to suppress those statements, arguing that he did not knowingly and intelligently waive his *Miranda* rights. The basis for his claim was an evaluation conducted by a psychologist, Dr. Nathan Glassman, whose report stated that Lewis had low cognitive abilities, likely did not understand the rights he was waiving, and had a tendency to respond affirmatively to questions, regardless of what the question was.

The circuit court held a hearing on the motion where it heard testimony from Dr. Glassman and the interviewing officers. The court also viewed the video of Lewis's second interview. The court denied Lewis's motion, finding that Dr. Glassman's report was unconvincing in light of the level of understanding Lewis demonstrated in the video of his police interview. The court noted that Lewis understood that he could stop speaking and that the

---

<sup>2</sup> See *Miranda v. Arizona*, 384 U.S. 436 (1966).

inculpatory statements were made after Lewis voluntarily reinitiated contact with one of the officers. Ultimately, Lewis pled guilty to the amended charges of first-degree reckless homicide and second-degree sexual assault, both as a party to the crime. This appeal follows.

On appeal, Lewis contends that the circuit court erroneously denied his motion to suppress the inculpatory statements he made to police because he did not understand his *Miranda* rights and therefore did not voluntarily waive those rights. We disagree.

“Whether evidence should be suppressed is a question of constitutional fact.” *State v. Brooks*, 2020 WI 60, ¶7, 392 Wis. 2d 402, 944 N.W.2d 832 (citation omitted). We review the circuit court’s findings of historical fact under the clearly erroneous standard, but the application of constitutional principles to those facts presents a question of law that we review independently. *See id.*

When the State seeks to admit evidence of an accused’s custodial statements, it must show that the accused was adequately informed of his or her *Miranda* rights and knowingly, intelligently, and voluntarily waived those rights. *State v. Santiago*, 206 Wis. 2d 3, 18, 556 N.W.2d 687 (1996). The State establishes a prima facie showing of a valid *Miranda* waiver by demonstrating that: (1) law enforcement informed a defendant of all the rights and admonitions required by *Miranda*; and (2) the defendant indicated that he or she understood those rights and was willing to make a statement. *State v. Lee*, 175 Wis. 2d 348, 360, 499 N.W.2d 250 (Ct. App. 1993). Once the State has made this prima facie showing, a court may conclude that a defendant’s waiver was invalid only if the defendant presents “countervailing evidence” showing that the defendant did not, in fact, knowingly, intelligently, and voluntarily waive his or her *Miranda* rights. *See Lee*, 175 Wis. 2d at 360-61.

We conclude the State made a prima facie showing that Lewis validly waived his *Miranda* rights and that Lewis failed to present countervailing evidence to rebut that showing. It is undisputed that officers read Lewis his *Miranda* rights three times—once during his first interview and twice during his second interview. Lewis acknowledged that he understood each time. Lewis also acknowledged his right to remain silent when certain questions agitated him. Indeed, Lewis invoked his right to counsel at one point, at which point the officers left the interrogation room and ceased questioning. Lewis later asked for one of the officers to return, was re-*Mirandized*, and agreed to answer follow-up questions after the officer confirmed that Lewis understood his rights and was initiating the conversation himself.

Lewis relies on Dr. Glassman’s assessment regarding his cognitive capacity to rebut the showing that he validly waived his *Miranda* rights. This reliance ignores precedent directing us to consider the totality of the circumstances when determining the validity of a *Miranda* waiver. See *State v. Hambly*, 2008 WI 10, ¶91, 307 Wis. 2d 98, 745 N.W.2d 48. That standard applies even when a defendant “casts [her- or] himself as limited in intelligence and sophistication[.]” *Id.*, ¶94. In this case, the totality of the circumstances, as described above, demonstrates that Lewis’s *Miranda* waiver was valid. The record shows that Lewis provided coherent responses to the officers’ questions, understood that he had a right to counsel, and understood that he could stop speaking at any time. A defendant’s coherent responses to law enforcement’s explanation of his or her *Miranda* rights supports a conclusion that his or her waiver of those rights was valid. *State v. Beaver*, 181 Wis. 2d 959, 967, 512 N.W.2d 254 (Ct. App. 1994).

For the foregoing reasons, we affirm the circuit court.

Therefore,

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

IT IS FURTHER ORDERED that this summary disposition order will not be published.

---

*Samuel A. Christensen*  
*Clerk of Court of Appeals*