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**DISTRICT II**

October 29, 2025

*To:*

Hon. Ralph M. Ramirez  
Circuit Court Judge  
Electronic Notice

Sarah Burgundy  
Electronic Notice

Monica Paz  
Clerk of Circuit Court  
Waukesha County Courthouse  
Electronic Notice

David Malkus  
Electronic Notice

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

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2024AP1612-CR

State of Wisconsin v. Orlando F. Hill (L.C. #2021CF649)

Before Neubauer, P.J., Gundrum, 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).**

Orlando F. Hill appeals from a judgment of conviction entered after he pled no contest to one count of armed robbery contrary to WIS. STAT. § 943.32(2) (2023-24).<sup>1</sup> Hill argues that the circuit court erred in denying his motion to dismiss, which was premised on the State's purported violation of his request for a speedy trial under the Interstate Agreement on Detainers (IAD), codified at WIS. STAT. § 976.05. 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.

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

For the reasons that follow, we conclude that Hill waived his request for a speedy trial under the IAD, and thus affirm the judgment.

On April 23, 2021, the State filed a complaint charging Hill with one count of armed robbery. The circuit court issued a warrant for his arrest that same day. At the time of the offense, Hill was on supervised release in connection with a prior federal conviction. In May 2021, the State learned that Hill was in custody in Arizona and began efforts to extradite him to Wisconsin. Hill posted bail in Arizona and was released, but later failed to appear at his extradition hearing. In February 2022, Hill was located in Chicago, taken into federal custody, and detained pending a hearing on revocation of his supervised release. In May 2022, a federal court revoked Hill's release and ordered him reconfined for 12 months, followed by 5 years of supervised release.

On September 2, 2022, the circuit court received and docketed a motion from Hill entitled "1381 Motion for Speedy Trial or Disposition of All Indictments, Complaints, Detainers, Warrants By a Prisoner in Federal Custody." In the motion, Hill demanded dismissal or "A SPEEDY TRIAL ON ALL CRIMINAL ACTIONS pending in your jurisdiction." A public defender was appointed to represent Hill on September 9, 2022, and after several unsuccessful attempts, an initial hearing was held on December 20, 2022. Hill's counsel waived the time limits for a preliminary hearing<sup>2</sup> and the court set bail at \$250,000 cash. The court also sent a request for a detainer on Hill to the federal facility in Chicago where he was confined.

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<sup>2</sup> Unless extended by the circuit court, a preliminary hearing must be held "within 20 days after the initial appearance of the defendant if the defendant has been released from custody or within 10 days if the defendant is in custody and bail has been fixed in excess of \$500." WIS. STAT. § 970.03(2).

On January 9, 2023, a detainer action letter from the Federal Bureau of Prisons was filed with the circuit court. The letter indicated that Hill was scheduled to be released from confinement on February 27, 2023, and asked the Waukesha County Sheriff's Office to "make arrangements to have him picked up on that date." Also on January 9, the court received a motion from Hill seeking to discharge his public defender, "adjourn these proceedings until the completion of [his] federal sentencing obligations," including his five-year term of supervised release, and allow him time to retain a new lawyer. In a separate motion filed the same day, Hill asked the court to lift his bail obligation and release him on his own recognizance.

A circuit court commissioner addressed these motions at a hearing on January 26, 2023. Hill reiterated his requests that his bail be lifted and that proceedings be adjourned "so I can continue to prepare and try this case while I'm on home confinement." The State informed the court that arrangements were being made to pick up Hill from federal custody when his term of confinement expired in February. The State did not object to Hill's counsel withdrawing but opposed Hill's request for relief from his bail obligation. The court declined to allow Hill's counsel to withdraw and, noting that "the preliminary hearing timelines [had] been waived," set a preliminary hearing for March 15. The State and Hill's counsel agreed to that date.

At the preliminary hearing, which Hill attended in person, the State filed an information and the circuit court determined that probable cause existed for the armed robbery charge and bound him over for trial. Hill pled not guilty. The court thereafter ordered that trial would start on May 30, 2023.

At Hill's request, his counsel filed a motion to withdraw on April 6, 2024. Six days later Hill filed, pro se, motions to discharge his attorney and to dismiss the information due to the

State’s purported violation of the IAD. Hill contended that the motion docketed by the circuit court on September 2, 2022 triggered the statute’s protections and that the State failed to bring him to trial within 180 days of that filing as required under WIS. STAT. § 976.05(3)(a). The court allowed Hill’s counsel to withdraw but denied Hill’s motion to dismiss after concluding that Hill had not substantially complied with the IAD’s requirements. Hill subsequently pled no contest to the armed robbery charge and was sentenced to seven years of initial confinement followed by eight years of extended supervision.

On appeal, the parties disagree over whether Hill’s September 2, 2022 motion substantially complied with the requirements of the IAD and whether substantial compliance is sufficient to trigger the statute’s protections. The State also posits, as an alternative basis for affirmance, that Hill waived his right to a speedy trial under the IAD by “inviting and agreeing to delays in this case.”

We agree with the State’s waiver argument, and though the circuit court did not deny Hill’s motion to dismiss on that ground, we may rest our decision upon it. *See State v. Chew*, 2014 WI App 116, ¶7, 358 Wis. 2d 368, 856 N.W.2d 541 (“[W]e can decide a case on grounds other than those used by the [circuit] court.”). Accordingly, we need not determine whether Hill’s September 2, 2022 motion was sufficient to start the IAD’s 180-day clock, because even if it was, Hill later waived his right to a prompt disposition under that statute.

“Rights under the IAD are statutory and may be waived.” *State v. Miller*, 2003 WI App 74, ¶9, 261 Wis. 2d 866, 661 N.W.2d 466. “[W]aiver under the IAD can be by conduct and does not require an express personal waiver on the record.” *State v. Aukes*, 192 Wis. 2d 338, 345, 531 N.W.2d 382 (Ct. App. 1995). “[A] defendant’s request for a procedure inconsistent with its

provisions” is sufficient to waive his or her rights under the statute. *State v. Brown*, 118 Wis. 2d 377, 386, 348 N.W.2d 593 (Ct. App. 1984).

Here, we assume without deciding that the motion from Hill that was docketed on September 2, 2022 was sufficient to invoke his speedy trial right under the IAD. This would entitle Hill to “be brought to trial within 180 days after” that date, or by March 1, 2023. *See* WIS. STAT. § 976.05(3)(a). However, on January 9, 2023, Hill filed a motion seeking to adjourn his trial until he finished serving his federal sentence, which included a five-year term of supervised release. Hill also sought in that motion to discharge his public defender and retain other counsel. At a hearing on the motion held on January 26, Hill reaffirmed his desire to adjourn the trial and to be allowed to return home once his federal term of confinement ended, where he would “continue to prepare and try this case.” The circuit court declined to discharge the public defender and set a preliminary hearing in the case for March 15, 2023. Hill’s lawyer agreed to that date; neither he nor Hill alerted the court that the preliminary hearing would occur after the expiration of the 180-day time period. By asking for an adjournment of the trial and seeking the opportunity to retain new counsel to represent him, Hill sought to structure pretrial proceedings in a manner that would result in a trial not occurring until after March 1, 2023. These requests, along with his failure to object to March 15, 2023 as the preliminary hearing date, were inconsistent with his earlier invocation of his speedy trial right under the IAD. *See Brown*, 118 Wis. 2d at 386.

We are not persuaded by Hill’s arguments to the contrary. He contends that we should not base our decision on waiver because the State’s argument rests on a factual dispute. He notes that the court commissioner denied his first motion to discharge his attorney because the commissioner concluded Hill had filed the motion “for purposes of delay, as opposed to an

actual breakdown in communication,” but the circuit court later granted Hill’s second motion to discharge, which was also premised on a breakdown in communication. Assuming the difference in treatment of Hill’s two motions gives rise to a factual dispute, it is not material to our waiver analysis. Our conclusion that Hill waived his speedy trial right under the IAD rests on the consequence of his requests for an adjournment and for the opportunity to retain new counsel, not the purpose underlying his motions to discharge his public defender.

Hill also contends that he did not waive his rights under the IAD “because his conduct did not prevent the State from bringing him to trial within the IAD’s 180-day time period.” He notes that although he sought to adjourn the trial until he finished serving his federal sentence, the court denied that request and the State could still have brought him to trial before March 1, 2023. This argument misapprehends the legal standards governing waiver. Our focus is on whether the defendant requests a procedure that is inconsistent with his speedy trial demand, not whether those requests are successful in delaying the trial past the statutory deadline. *See Brown*, 118 Wis. 2d at 386. Because Hill made requests that were inconsistent with his demand to be tried no later than March 1, 2023, he waived his speedy trial right under the IAD.

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 this summary disposition order will not be published.

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