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**DISTRICT II**

November 5, 2025

*To:*

Hon. Timothy D. Boyle  
Circuit Court Judge  
Electronic Notice

Gary Grass  
Electronic Notice

Amy Vanderhoef  
Clerk of Circuit Court  
Racine County Courthouse  
Electronic Notice

Michael C. Sanders  
Electronic Notice

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

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2022AP1253-CR

State of Wisconsin v. Richard L. Lewis (L.C. #2011CF321)

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).**

Defendant-Appellant Richard L. Lewis seeks review of the circuit court's denial of his motion for postconviction relief on the premise that his trial counsel's performance was ineffective. 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> For the following reasons, we affirm.

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

Lewis and an 88-year-old man had a run-in after their cars collided in the parking lot of a medical center. The elderly man fell, hit his head, and died in the hospital eight days later. He had a visible bruise on his right eye and an injury on his head. Lewis induced Jonathan Bell to claim responsibility for injuring the man, and Bell reported to the police that he punched the man's face in the medical center parking lot. When Bell learned that the man was in critical condition, he recanted. Lewis was charged with felony murder. At Lewis's trial, Bell testified that Lewis had offered him money to confess to the crime. Lewis admitted that he was involved in the altercation. Lewis was convicted of felony murder. Lewis pursued a motion for postconviction relief and asserted his trial counsel was ineffective for failing to raise an alleged plea agreement between the prosecution and Bell in consideration for his testimony.

At the postconviction motion hearing, Bell testified that after he was charged with crimes in a separate case, he and his attorney met with the prosecution in Lewis's case, at which meeting Bell alleged that the prosecution told him that if he testified at Lewis's trial, he would get "great consideration" in his case for criminal charges. Yet, at Lewis's trial, he denied having been made any promises or given any offers in exchange for testifying. Also at the postconviction hearing, Bell's attorney testified that she did not recall the prosecution telling Bell that he would get consideration for testifying in Lewis's case. She also testified that if such an offer was extended, she would have told the judge at sentencing about her client's cooperation. Lewis's trial counsel testified that he knew the prosecution would have to disclose any agreement with a witness.

The circuit court denied Lewis's motion for postconviction relief for ineffective assistance of counsel, concluding that Lewis failed to prove his counsel performed deficiently.

On appeal, Lewis raises the single issue that his trial counsel was ineffective for not questioning Bell about the alleged agreement he reached with the prosecution to testify against Lewis.

The ineffective assistance of counsel inquiry is a mixed question of law and fact. *State v. Thiel*, 2003 WI 111, ¶21, 264 Wis. 2d 571, 665 N.W.2d 305 (citing *State v. Trawitzki*, 2001 WI 77, ¶19, 244 Wis. 2d 523, 628 N.W.2d 801). This court upholds findings of fact by the circuit court unless they are clearly erroneous. *Thiel*, 264 Wis. 2d 571, ¶21. “Findings of fact include ‘the circumstances of the case and the counsel’s conduct and strategy.’” *Id.* (quoting *State v. Knight*, 168 Wis. 2d 509, 514 n.2, 484 N.W.2d 540 (1992)). Whether counsel’s representation was ineffective is a question of law that this court reviews de novo. *Id.* The right to counsel’s inclusion of effective assistance is expounded upon in *Strickland v. Washington*, 466 U.S. 688, 686 (1984). It is a two-pronged inquiry: the defendant must show that counsel’s representation is both deficient and prejudicial. *Id.* at 687. To show deficiency, defendant must demonstrate that counsel’s representation fails to be objectively reasonable. *Id.* at 688. Courts should be “highly deferential” when evaluating whether counsel’s representation was deficient. *Id.* at 689. To show prejudice, the defendant must demonstrate that counsel’s errors were “so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.” *Id.* at 687.

The circuit court concluded that Bell was not credible and found that the record combined with Bell’s attorney’s and Lewis’s trial attorney’s testimonies supported the fact that at the time of Lewis’s trial, there was no plea agreement offered to Bell. Lewis’s argument that his trial counsel’s performance was deficient fails: Lewis did not show that his trial counsel knew anything about an alleged plea agreement afforded to Bell. As such, there was no agreement for Lewis’s trial counsel to explore with respect to Bell’s testimony. Because Lewis cannot prove his counsel’s performance was deficient, he cannot prove that he was prejudiced at trial. Thus,

Lewis cannot prove that his trial counsel was ineffective for not addressing the alleged agreement at his trial.

Therefore,

IT IS ORDERED that the order 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*