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DISTRICT I

March 31, 2026

To:

Hon. Jean M. Kies
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

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

Victor A. Haywood 462661
Wisconsin Secure Program Facility
1101 Morrison Drive
Boscobel, WI 53805

Christopher P. August
Electronic Notice

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

2024AP911-CRNM State of Wisconsin v. Victor A. Haywood (L.C. # 2020CF3552)

Before White, C.J., Colón, P.J., and Donald, J.

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).

Victor Haywood appeals a judgment of conviction for three counts of first-degree sexual assault and two counts of second-degree reckless injury, all by use of a dangerous weapon. Attorney Christopher August has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24).¹ Haywood was provided a copy of the report, but has not filed a response. Having reviewed the no-merit report, as well as having

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we agree that there are no issues of arguable merit to pursue. We summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The State charged Haywood with armed burglary, four counts of first-degree sexual assault by use of a dangerous weapon, three counts of second-degree reckless injury by use of a dangerous weapon, two counts of felony bail jumping, and possession of a firearm by a felon. The charges stemmed from an incident in which Haywood entered a home in the middle of the night and sexually and physically assaulted the four adults present in the home while Haywood was armed with a gun and a knife. Pursuant to a plea agreement, Haywood pled guilty to three counts of first-degree sexual assault and two counts of second-degree reckless injury by use of a dangerous weapon. The remaining charges were dismissed and read-in for sentencing purposes. The court sentenced Haywood to a total of 60 years of initial confinement and 60 years of extended supervision, with 740 days of sentence credit.

The no-merit report addresses whether there would be arguable merit to a challenge to the validity of Haywood's plea. We agree with counsel's assessment that a challenge to the plea would be wholly frivolous. A postsentencing motion for plea withdrawal must establish that plea withdrawal is necessary to correct a manifest injustice, such as a plea that was not knowing, intelligent, and voluntary. *State v. Brown*, 2006 WI 100, ¶18, 293 Wis. 2d 594, 716 N.W.2d 906. Here, the circuit court conducted a plea colloquy that, together with the plea questionnaire that Haywood signed, satisfied the court's mandatory duties to personally address Haywood and determine information such as Haywood's understanding of the nature of the charges and the range of punishments he faced, the constitutional rights he waived by entering a plea, and the direct consequences of the plea. *See State v. Hoppe*, 2009 WI 41, ¶¶18, 30, 317 Wis. 2d 161,

765 N.W.2d 794. There is no indication of any other basis for plea withdrawal. A valid guilty plea constitutes a waiver of all nonjurisdictional defects and defenses. *State v. Kelty*, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886.

The no-merit report also addresses whether there would be arguable merit to a challenge to the sentence imposed by the circuit court. Our review of a sentence determination begins “with the presumption that the trial court acted reasonably, and the defendant must show some unreasonable or unjustifiable basis in the record for the sentence complained of.” *State v. Krueger*, 119 Wis. 2d 327, 336, 351 N.W.2d 738 (Ct. App. 1984). Here, the record establishes that Haywood was afforded the opportunity to address the court prior to sentencing. The court explained that it considered facts pertinent to the standard sentencing factors and objectives, including the seriousness of the offenses, Haywood’s rehabilitative needs, and the need to protect the public. See *State v. Gallion*, 2004 WI 42, ¶¶39-46 & n.11, 270 Wis. 2d 535, 678 N.W.2d 197. The sentence imposed was within the maximum Haywood faced and, given the facts of this case, there would be no arguable merit to a claim that the sentence was unduly harsh or excessive. See *State v. Stenzel*, 2004 WI App 181, ¶21, 276 Wis. 2d 224, 688 N.W.2d 20 (stating that a sentence is unduly harsh or excessive “only where the sentence is so excessive and unusual and so disproportionate to the offense committed as to shock public sentiment and violate the judgment of reasonable people concerning what is right and proper under the circumstances” (citation omitted)). The court awarded restitution as stipulated by the parties. We discern no non-frivolous basis to challenge the sentence imposed by the circuit court.

Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*.

Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Christopher August is relieved of any further representation of Victor Haywood in this matter pursuant to WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals