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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

DISTRICT II

April 29, 2026

To:

Hon. Sandy A. Williams
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

Connie Mueller
Clerk of Circuit Court
Ozaukee County Justice Center
Electronic Notice

Pamela Moorshead
Electronic Notice

Mario A. White #470230
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2024AP1407-CRNM State of Wisconsin v. Mario A. White (L.C. #2022CF70)

Before Neubauer, P.J., Gundrum, and Grogan, 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).

Mario A. White appeals from judgments of conviction for possession with intent to deliver methamphetamine as a second or subsequent offense, operating while intoxicated as a fifth offense, and misdemeanor bail jumping as a repeater. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). White received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record,

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

we conclude that there are no issues with arguable merit for appeal. We summarily affirm. *See* WIS. STAT. RULE 809.21.

White was charged with multiple offenses stemming from a traffic stop and subsequent search. Pursuant to a plea agreement, White pled guilty to possession with intent to deliver methamphetamine (3 grams or less) as a second or subsequent offense, operating while intoxicated as a fifth offense, and misdemeanor bail jumping as a repeater. The remaining charges were dismissed and read in for sentencing purposes.² The circuit court imposed a total of seven years of initial confinement and seven years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether there would be arguable merit to a challenge to the validity of White's pleas. We agree with counsel's assessment that a challenge to White's pleas would be wholly frivolous. A post-sentencing 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 White signed, satisfied the court's mandatory duties to personally address White and determine information such as White'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

² The dismissed and read in charges were possession of a firearm by a felon, second-degree recklessly endangering safety, possession of a firearm while intoxicated, operating with a prohibited blood alcohol concentration as a fifth offense, and operating with a restricted controlled substance in the blood as a fifth offense.

N.W.2d 794. We agree with counsel’s analysis and assessment that a challenge to the factual basis for the pleas would lack arguable merit, and we do not discuss that issue further. There is no indication of any other basis for plea withdrawal. The valid guilty pleas constitute 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 White’s sentence. We agree with counsel that this issue lacks arguable merit. 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, White was afforded the opportunity to personally address the court before the sentence was imposed. The court explained that it considered facts pertinent to the standard sentencing factors and objectives, including the seriousness of the offenses, White’s rehabilitative needs, and the need to protect the public. *See State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. The sentence was within the maximum White 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 (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)).

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report and discharges appellate counsel of the obligation to represent White further in this appeal.

Therefore,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Pamela Moorshead is relieved of further representation of Mario A. White in this matter. *See* 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