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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

June 17, 2026

To:

Hon. Timothy D. Boyle
Circuit Court Judge
Electronic Notice

Christopher P. August
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

John D. Flynn
Electronic Notice

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

2024AP2196-CR

State of Wisconsin v. Sovann Soun (L.C. #2021CF1685)

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

Sovann Soun appeals from a judgment of conviction and an order denying his motion for postconviction relief. He challenges his conviction for possession of a firearm by a felon. 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).¹ We affirm.

In October 2021, police conducted a traffic stop of a vehicle that had deviated from its designated lane. Soun was the driver of the vehicle and initially identified himself as someone

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

else. Police subsequently learned Soun’s true identity and the fact that he was a felon. Also, upon detecting the odor of marijuana emanating from the vehicle, police searched it, finding THC, drug paraphernalia, and a handgun inside.

The State filed a complaint charging Soun with multiple crimes. Ultimately, Soun resolved the matter via a plea agreement. Specifically, he agreed to plead guilty to possession of a firearm by a felon, possession with intent to deliver THC as a repeater, and obstructing an officer as a repeater. Two additional charges were dismissed and read-in.²

After sentencing, Soun filed a motion for postconviction relief. As relevant to this appeal, Soun argued that the felon in possession of a firearm statute was unconstitutional as applied to him because it infringed upon his Second Amendment rights. Following a hearing on the matter, the circuit court denied the motion. Soun now appeals.

On appeal, Soun renews his as-applied constitutional challenge to his conviction for possession of a firearm by a felon. The problem with Soun’s challenge is that it is foreclosed by virtue of his guilty plea.

“In Wisconsin, we employ the guilty plea waiver rule, which states that a guilty, no contest, or *Alford* plea ‘waives all nonjurisdictional defects, including constitutional claims.’” *State v. Jackson*, 2020 WI App 4, ¶8, 390 Wis. 2d 402, 938 N.W.2d 639 (citation omitted). Although there is an exception to this rule for facial constitutional challenges, there is no such

² The additional charges were carrying a concealed weapon as a repeater and possession of drug paraphernalia as a repeater.

exception for as-applied constitutional challenges, which is what Soun is advancing. *Id.*; see also *State v. Trochinski*, 2002 WI 56, ¶34 n.15, 253 Wis. 2d 38, 644 N.W.2d 891.

Citing the case of *Class v. United States*, 583 U.S. 174 (2018), Soun argues that there should also be an exception to the guilty plea waiver rule for as-applied constitutional challenges like his.³ However, we rejected that argument in *Jackson*, 390 Wis. 2d 402, ¶9, and are bound by our prior decision. See *Cook v. Cook*, 208 Wis. 2d 166, 189-90, 560 N.W.2d 246 (1997). Accordingly, we are satisfied that the rule applies to bar Soun’s challenge in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed, pursuant to 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

³ Soun also cites Justice Dallet’s concurrence in *State v. Roundtree*, 2021 WI 1, 395 Wis. 2d 94, 952 N.W.2d 765 in support of his position. However, a concurrence is not binding law. A majority of the Wisconsin Supreme Court has yet to decide what impact, if any, *Class v. United States*, 583 U.S. 174 (2018) has on the guilty plea waiver rule in this state.