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DISTRICT I

July 28, 2026

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Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
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Christopher P. August
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Dequatai T. Harris 604568
Green Bay Correctional Institution
P.O. Box 19033
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You are hereby notified that the Court has entered the following opinion and order:

2025AP122-CRNM State of Wisconsin v. Dequatai T. Harris (L.C. # 2018CF2338)

Before Donald, C.J., Colón, P.J., and Petrashek, 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).

Dequatai T. Harris appeals from his judgment of conviction for third-degree sexual assault and causing mental harm to a child, and from the order partially denying his postconviction motion. His appellate counsel, Attorney Christopher P. August, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).¹ Harris was advised of his right to file a response, but he did not do so. Upon this

¹ All references to the Wisconsin Statutes are to the 2023-24 version unless otherwise noted. Although different biennial versions of the statutes were in effect during some proceedings in this matter, the language of the statutes cited in this opinion was the same in each version.

court's independent review of the record as mandated by *Anders*, and counsel's report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm. *See* WIS. STAT. RULE 809.21

Harris was charged in May 2018 with first-degree sexual assault of a child younger than twelve. The victim, Harris's cousin, was ten years old at the time; Harris was twenty-two years old.

The matter was set to proceed to trial in September 2022. However, just as the trial was about to begin, Harris opted to resolve this matter with a plea. He agreed to enter no-contest pleas to amended charges of third-degree sexual assault, *see* WIS. STAT. § 940.225(3)(b), and causing mental harm to a child, *see* WIS. STAT. § 948.04(1). In exchange for Harris's pleas, the State agreed not to make a sentencing recommendation. The circuit court imposed sentences totaling eleven years of initial confinement followed by eight years of extended supervision. Harris was also required to register as a sex offender for fifteen years.

Harris subsequently filed a postconviction motion regarding his eligibility for early release programming. At the sentencing hearing, the circuit court had noted it had no objection to programming for Harris, but the State asserted he was statutorily barred from programming based on the convicted offenses. However, in his postconviction motion, Harris argued that his conviction for causing mental harm to a child permitted eligibility for programming.

The circuit court found that Harris was "partially correct." The court noted that Harris was statutorily precluded from the challenge incarceration program for the count of causing mental harm to a child, *see* WIS. STAT. § 302.045(2)(c), but not precluded from eligibility for the substance abuse program, *see* WIS. STAT. § 302.05(3). The court therefore found Harris to be

eligible for the substance abuse program, and amended the judgment of conviction accordingly. This no-merit appeal follows.

In the no-merit report, appellate counsel addresses three issues: whether there would be arguable merit to appealing the validity of Harris’s pleas; whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion in sentencing Harris; and whether the circuit court erred in partially denying Harris’s postconviction motion. We agree with appellate counsel’s analysis that there would be no arguable merit to an appeal of any of these issues.

A plea is not constitutionally valid if it is not knowingly, voluntarily, and intelligently entered. *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). The constitutional invalidity of a plea may be established in part by the circuit court’s failure to comply with the requirements set forth in WIS. STAT. § 971.08 and *Bangert* during the plea colloquy. *State v. Brown*, 2006 WI 100, ¶¶23, 34-35, 293 Wis. 2d 594, 716 N.W.2d 906.

Appellate counsel characterized the plea colloquy in this case as “less than ideal,” noting several defects. First, the circuit court failed to “advise [Harris] personally that the terms of a plea agreement, including a prosecutor’s recommendations, are not binding on the court,” a warning required by *State v. Hampton*, 2004 WI 107, ¶38, 274 Wis. 2d 379, 683 N.W.2d 14. The no-merit report concludes this was an “insubstantial defect,” however, because under the terms of the plea agreement, the State did not make a sentence recommendation. We further observe that the circuit court accepted the State’s charging concessions made as a result of the plea agreement, which included amending the charge of first-degree sexual assault of a child younger than twelve years old to third-degree sexual assault, resulting in the elimination of a

twenty-five-year mandatory minimum sentence. We therefore agree with counsel's assessment that Harris was not affected by this defect in the colloquy.

Other colloquy defects include the circuit court neglecting to make a determination on the record that Harris was competent to enter his pleas, and its failure to establish that there were no threats or promises made that affected Harris's decision to enter the pleas. However, appellate counsel concludes that the signed plea questionnaire and waiver of rights form signed by Harris augments these defects of the colloquy. See *State v. Hoppe*, 2009 WI 41, ¶42, 317 Wis. 2d 161, 765 N.W.2d 794 (stating that the plea questionnaire and waiver of rights form "lessens the extent and degree of the colloquy otherwise required between the trial court and the defendant" (citation modified)).

The plea questionnaire was completed just before Harris's plea was taken. It established Harris's understanding of the charges, his education level, that he was not receiving treatment for any mental health issues, and that he had not taken any medications or other substances that would affect his comprehension of the proceedings. It further verified that there were no threats or promises made to Harris with regard to his pleas. The circuit court then confirmed with Harris on the record that Harris had signed and understood the plea questionnaire form after discussing it with counsel. Indeed, Harris stated that he understood "everything" regarding his pleas and that he was entering them voluntarily.

Therefore, we are satisfied that the record establishes Harris's pleas were knowing, intelligent, and voluntary. As such, we agree with appellate counsel's analysis that there would be no arguable merit to a challenge to the validity of Harris's pleas.

With regard to sentencing, the record reflects that the circuit court properly exercised its discretion in considering proper and relevant sentencing objectives and factors. See **State v. Gallion**, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197; **State v. Ziegler**, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. In particular, the court considered the age of the victim compared to Harris. It further noted that the victim was diagnosed with gonorrhea after the assault, and that Harris also received treatment for that disease based on symptoms he was experiencing.

Furthermore, Harris's sentences are within the statutory maximums, and are therefore presumed not to be unduly harsh or unconscionable. See **State v. Grindemann**, 2002 WI App 106, ¶32, 255 Wis. 2d 632, 648 N.W.2d 507. Therefore, we agree with appellate counsel's conclusion that there would be no arguable merit to a challenge of Harris's sentences.

Finally, with regard to the partial denial of Harris's postconviction motion, the no-merit report agrees with the circuit court's analysis that Harris is eligible only for the substance abuse program, and not for the challenge incarceration program. Appellate counsel therefore concludes that there would be no arguable merit to challenging the circuit court's decision on Harris's postconviction motion. We agree.

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

Therefore,

IT IS ORDERED that the judgment and order are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Christopher P. August is relieved of further representation of Dequatai T. Harris 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