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DISTRICT I

September 29, 2026

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Circuit Court Judge
Electronic Notice

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Clerk of Circuit Court
Milwaukee County Safety Building
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You are hereby notified that the Court has entered the following opinion and order:

2025AP970-CR

State of Wisconsin v. Tremon Richard Martin
(L.C. # 2021CF4046)

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

Tremon Richard Martin appeals a judgment convicting him of multiple crimes. He also appeals from the order denying his postconviction motion for relief. 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

In January 2023, an amended information charged Martin with three counts of armed robbery as a party to a crime, one count of false imprisonment with the use of a dangerous

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

weapon, and one count of fourth-degree sexual assault. The charges stemmed from two car jackings that took place in September 2021. Pursuant to a plea agreement, the State agreed to dismiss and read in one count of armed robbery as a party to a crime in exchange for Martin's guilty pleas to the remaining counts.

As relevant to this appeal, the following exchange occurred at the plea hearing:

[The Court]: Do you understand that the court does not have to follow any recommendation by your lawyer or the district attorney and that you could be sentenced to anything up to the maximum as to each charge?

[Martin]: Yes, Your Honor.

....

[The Court]: I have a plea questionnaire/waiver of rights form and an addendum form. It looks like you signed these forms yesterday; is that right?

[Martin]: Yes, Your Honor.

[The Court]: Before you signed them, did you go over them with [defense counsel]?

[Martin]: Yes, Your Honor.

[The Court]: Did you understand the forms?

[Martin]: Yes, Your Honor.

....

[The Court]: Except for the recommendation, has anyone made any threats or promises to get you to plead guilty?

[Martin]: Repeat that for me.

[The Court]: Sure. Except for the recommendation, has anyone made any threats or promises to get you to plead guilty?

[Martin]: No, Your Honor.

[The Court]: Are you satisfied with your lawyer's representation?

[Martin]: Yes, Your Honor.

....

[Defense Counsel]: One of the concerns I always have with younger people who have never been through this process in adult court is that they are only getting information from me. So I met with my client's mother and my client's two sisters at their house to review all of this with them in advance of Mr. Martin making the final decision. That allowed Mr. Martin to speak by phone with his sisters and with his mom to be sure that this is what he wanted to do. So I do believe he is making a knowing, voluntary, and intelligent decision based on that.

The circuit court accepted Martin's pleas and imposed concurrent sentences totaling eighteen years of initial confinement and ten years of extended supervision on the armed robbery counts. The court imposed a concurrent sentence of three years' initial confinement and three years' extended supervision on the false imprisonment charge, and a concurrent sentence of six months in the House of Correction on the sexual assault charge.

Following sentencing, Martin filed a postconviction motion seeking to withdraw his guilty pleas on the grounds that they were not knowing, voluntary, and intelligent. Specifically, Martin alleged that the pleas were premised on a promise from defense counsel that Martin's sentence would not exceed ten years of initial confinement. The postconviction court denied the motion without a hearing, finding that Martin had "not provided any explanation as to why his statements during the plea colloquy and his representation on the plea questionnaire form were false." This appeal follows.

At issue on appeal is whether Martin's postconviction motion was sufficient on its face to entitle him to an evidentiary hearing on his request for plea withdrawal. Our supreme court has summarized the applicable legal standards:

Whether a motion alleges sufficient facts that, if true, would entitle a defendant to relief is a question of law that this court reviews de novo. The circuit court must hold an evidentiary hearing if the defendant's motion raises such facts. However, if the motion does not raise facts sufficient to entitle the movant to relief, or presents only conclusory allegations, or if the record conclusively demonstrates that the defendant is not entitled to relief, the circuit court has the discretion to grant or deny a hearing.

State v. Burton, 2013 WI 61, ¶38, 349 Wis. 2d 1, 832 N.W.2d 611 (citation modified). A defendant who wishes to withdraw his plea post-sentencing must demonstrate, by clear and convincing evidence, that withdrawal is necessary to prevent a manifest injustice. *State v. Taylor*, 2013 WI 34, ¶24, 347 Wis. 2d 30, 829 N.W.2d 482. A plea not entered knowingly, voluntarily, and intelligently constitutes a manifest injustice. *Id.*, ¶49.

With those standards in mind, we consider Martin's postconviction motion and conclude that Martin was not entitled to an evidentiary hearing both because it did not raise facts sufficient to entitle Martin to relief and because the record conclusively demonstrates that Martin is not entitled to relief. See *Burton*, 349 Wis. 2d 1, ¶38. Thus, it was within the circuit court's discretion to deny the motion without a hearing. See *id.* The motion does nothing more than present the conclusory allegation that Martin entered guilty pleas based upon an alleged promise from defense counsel. Martin did not explain why his answers at the plea hearing and on the plea questionnaire/waiver of rights form were inconsistent with his alleged understanding of a guaranteed sentence, nor did he explain anything about the circumstances under which the alleged guarantee was made.

Further, the record conclusively demonstrates that Martin is not entitled to relief. Regardless of what defense counsel allegedly promised, the State clearly stated at the plea hearing that it would recommend incarceration in an amount left to the circuit court's discretion.

The circuit court also explicitly asked Martin if he understood that the court was not bound by the plea agreement. Martin answered in the affirmative. Later, the court confirmed with Martin that no one had “made any threats or promises to get [him] to plead guilty.” Defense counsel also explained that he involved Martin’s family in the plea decision to ensure Martin’s understanding of the plea agreement.

In short, the record indicates that the terms of the plea agreement were stated in open court at the plea hearing, that Martin explicitly acknowledged those terms at the plea hearing, and that Martin did not subsequently say anything about a guaranteed ten-year term of confinement despite having multiple opportunities to do so—not just at the plea hearing, but also at the sentencing hearing when the State again recommended a prison sentence within the circuit court’s discretion.

For the foregoing reasons, we affirm the judgment of conviction and the order denying Martin’s motion for postconviction relief.

Therefore,

IT IS ORDERED that the judgment and order are summarily affirmed. See 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