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**DISTRICT I**

September 9, 2025

To:

Hon. Jean M. Kies  
Circuit Court Judge  
Electronic Notice

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

Brett McKellar  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Tory Mozeke Mason 609206  
Racine Correctional Inst.  
P.O. Box 900  
Sturtevant, WI 53177-0900

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

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2024AP1550-CRNM      State of Wisconsin v. Tory Mozeke Mason (L.C. # 2021CF4820)

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).**

Tory Mozeke Mason appeals from a judgment, entered upon his guilty plea, convicting him of one count of second-degree reckless homicide with the use of a dangerous weapon. Appellate counsel, Douglas C. McIntosh,<sup>1</sup> filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).<sup>2</sup> Mason received a

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<sup>1</sup> Attorney Douglas C. McIntosh filed the no-merit report. Mason is now represented by Attorney Brett McKellar.

<sup>2</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

copy of the report, was advised of his right to file a response, and has not responded. We have independently reviewed the record and the no-merit report as mandated by *Anders*. We conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm. *See* WIS. STAT. RULE 809.21.

On January 12, 2022, the State filed an information charging Mason with one count of possession of a firearm by a felon and one count of first-degree reckless homicide with the use of a dangerous weapon. The charges stemmed from the November 2021 shooting death of Addarryl Collins. The initial complaint alleged that Mason fired shots through Collins' vehicle while Collins was seated in the vehicle, striking Collins multiple times. The mother of Mason's child witnessed the shooting. The complaint alleged that she was dating Collins at the time of the shooting and was able to identify Mason as the shooter.

Ultimately, Mason pled guilty to an amended charge of second-degree reckless homicide with the use of a dangerous weapon. The remaining charge was dismissed and read in. The circuit court conducted a colloquy with Mason and accepted his plea. The court sentenced Mason to 18 years of initial confinement and 7 years of extended supervision. This no-merit report follows.

Appellate counsel's no-merit report addresses two issues: (1) whether Mason's plea was knowing, intelligent, and voluntary; and (2) whether the circuit court properly exercised its sentencing discretion.

With regard to Mason's guilty plea, our review of the record—including the plea questionnaire/waiver of rights form, the addendum, the jury instructions initialed by Mason, and the plea hearing transcript—confirms that the circuit court complied with its obligations for

taking guilty pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. These obligations exist specifically to help ensure the validity of any plea. We thus agree with appellate counsel's conclusion in the no-merit report that there is no arguable merit to seeking plea withdrawal based on a claim that Mason's plea was anything other than knowing, intelligent, and voluntary.

With regard to the circuit court's sentencing decision, we note that sentencing is a matter for the circuit court's discretion. *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. At sentencing, a court must consider the principal objectives of sentencing, including the protection of the community, the punishment and rehabilitation of the defendant, and deterrence to others. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. It must also determine which objective or objectives are of greatest importance. *Gallion*, 270 Wis. 2d 535, ¶41. In seeking to fulfill the sentencing objectives, the court should consider several primary factors, including the gravity of the offense, the character of the offender, and the protection of the public, and it may consider additional factors. *State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695. The weight to be given to each factor is committed to the court's discretion. *Id.*

Our review of the record confirms that the circuit court appropriately considered the relevant sentencing objectives and factors. The court specifically addressed the need to protect the community, the gravity of the offense, multiple mitigating factors, and the impact of Mason's conduct on the victim's family. The resulting sentence was within the potential maximum authorized by law, *see State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d

449, and is not so excessive so as to shock the public’s sentiment, *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).<sup>3</sup>

Our independent review of the record reveals no other potential issues of arguable merit.

For all the foregoing reasons,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Brett McKellar is relieved of further representation of Tory Mozeke Mason in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*

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<sup>3</sup> Second-degree reckless homicide is a Class D felony. *See* WIS. STAT. § 940.06. The maximum term of initial confinement for a Class D felony is 15 years of initial confinement. WIS. STAT. § 973.01(2)(b)4. The maximum term of extended supervision for a Class D felony is 10 years. Sec. 973.01(2)(d)3. However, the “use of a dangerous weapon” is an appropriate penalty enhancer where “a person commits a crime while possessing, using or threatening to use a dangerous weapon[.]” WIS. STAT. § 939.63(1). The circuit court adds the enhancer to the confinement portion of the sentence. *See* WIS. STAT. § 973.01(2)(c)1. Mason therefore faced a maximum sentence of 20 years of initial confinement (15 years for the underlying second-degree reckless homicide plus 5 years for the while armed enhancer) and 10 years of extended supervision.