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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](http://www.wicourts.gov)

**DISTRICT I**

October 21, 2025

To:

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

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2024AP1691-CR

State of Wisconsin v. Frankie Valdez Ramirez-Valdez  
(L.C. # 2022CF3282)

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

Frankie Valdez Ramirez-Valdez appeals a judgment, entered upon his guilty pleas, convicting him of one count of disorderly conduct as a domestic abuse repeater and one count of possession with intent to deliver fentanyl as a second and subsequent offense. He also appeals from the order denying his motion for postconviction relief. Based upon our review of the briefs and record, we conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).<sup>1</sup>

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

On August 14, 2022, the State charged Ramirez-Valdez with four crimes: strangulation and suffocation, misdemeanor battery, and disorderly conduct, all with domestic abuse assessments and as a domestic abuse repeater, and possession with intent to deliver fentanyl as a second and subsequent offense. According to the criminal complaint, Ramirez-Valdez struck and strangled his ex-girlfriend while she was sleeping. The complaint included information about Ramirez-Valdez's prior domestic abuse convictions.

Ramirez-Valdez ultimately pled guilty to one count of disorderly conduct as a domestic abuse repeater and one count of possession with intent to deliver fentanyl as a second and subsequent offense. During the plea colloquy, the circuit court reviewed the elements of disorderly conduct and informed Ramirez-Valdez that as a domestic abuse repeater, he faced an increased penalty because he had been previously convicted of at least two crimes for which the domestic abuse assessment was ordered or applicable. Ramirez-Valdez stated that he understood. Ramirez-Valdez also agreed that the facts in the criminal complaint detailing the attack on his ex-girlfriend were true. The matter immediately proceeded to sentencing, where the circuit court sentenced Ramirez-Valdez to a total concurrent sentence of five years of initial confinement and five years of extended supervision, consecutive to a revocation sentence.

Ramirez-Valdez moved for postconviction relief, arguing that he was entitled to withdraw his guilty plea to the disorderly conduct count on the grounds that the circuit court failed to adequately explain the elements of the domestic abuse repeater enhancer during the plea colloquy. Specifically, Ramirez-Valdez argued that the court failed to explain that, if he chose to go to trial, the State would have to prove that his disorderly conduct was an act of domestic abuse under WIS. STAT. § 968.075(1)(a). The postconviction court denied the motion following a hearing. This appeal follows.

As relevant to this appeal, a person qualifies as a domestic abuse repeater if he or she “was convicted on [two] separate occasions, of a felony or a misdemeanor for which a court imposed a domestic abuse surcharge under [WIS. STAT. §] 973.055(1)” or “waived a domestic abuse surcharge pursuant to [§] 973.055(4)” “during the [ten]-year period immediately prior to the commission of the crime for which the person presently is being sentenced, if the convictions remain of record and unreversed[.]” WIS. STAT. § 939.621(1)(b). The domestic abuse repeater enhancer permits an increase in the defendant’s maximum term of imprisonment “[i]f a person commits an act of domestic abuse, as defined in [WIS. STAT. §] 968.075(1)(a) and the act constitutes the commission of a crime[.]” Sec. 939.621(2). The enhancer also “changes the status of a misdemeanor to a felony.” *Id.*

On appeal, Ramirez-Valdez maintains that the circuit court’s colloquy was defective because it did not clarify that “a defendant pleading to disorderly conduct as a domestic abuse repeater is pleading not just to the elements of disorderly conduct but, also, under the plain text of the statute, [to] a physical act of domestic abuse under [WIS. STAT. §] 968.075(1).”<sup>2</sup> Section 968.075(1) states that the domestic abuse victim must be in a qualifying relationship with the defendant and that the charged conduct must fit into one of the following enumerated categories:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of [WIS. STAT. §] 940.225(1), (2) or (3).

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<sup>2</sup> It is undisputed that Ramirez-Valdez’s previous convictions qualified him as a domestic abuse repeater. *See* WIS. STAT. § 939.621(1)(b).

4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1., 2. or 3.

Sec. 968.075(1)(a).

Ramirez-Valdez contends that the circuit court's failure to explain that his disorderly conduct must meet the definition of "domestic abuse" under [WIS. STAT. §] 968.075(1) resulted in a plea that was not knowing, voluntary, and intelligent. We conclude that the record in this case does not support Ramirez-Valdez's argument. *See State v. Liebnitz*, 231 Wis. 2d 272, 275, 603 N.W.2d 208 (1999) (demonstrating that we look to the totality of the record to determine the defendant's understanding of the repeater charge).

First, as relevant to this appeal, the criminal complaint charged Ramirez-Valdez with disorderly conduct with the domestic abuse penalty enhancer, citing to WIS. STAT. § 973.055(1) and WIS. STAT. § 939.621. Section 939.621(2) specifically references acts of domestic abuse as defined by WIS. STAT. § 968.075(1). Ramirez-Valdez confirmed at the plea hearing that he reviewed and understood the charges as referenced in the complaint.

Second, at his initial appearance, the court commissioner informed Ramirez-Valdez that the domestic abuse penalty enhancer increases the term of imprisonment and changes the status of the underlying charge from a misdemeanor to a felony. Ramirez-Valdez indicated that he understood.

Third, at the plea hearing, the circuit court confirmed with Ramirez-Valdez that he reviewed the complaint, understood the enhancement in penalties, and agreed that the facts in the complaint—which detailed the act of domestic abuse—constituted a factual basis for his plea. Although the court did not specifically reference the definition of domestic abuse as provided by

WIS. STAT. § 968.075(1), the court referenced the domestic abuse repeater enhancer throughout the colloquy.<sup>3</sup> Further, at sentencing, the State detailed Ramirez-Valdez’s violent conduct towards the victim and stated that the case was “serious” from “the domestic violence standpoint.” The court agreed and also reviewed the facts of the case, detailing Ramirez-Valdez’s violent conduct towards the victim.

A circuit court is required to “inform the defendant of the charge’s nature or, instead, to ascertain that the defendant in fact possesses such information.” *State v. Trochinski*, 2002 WI 56, ¶20, 253 Wis. 2d 38, 644 N.W.2d 891 (citation omitted). However, the court is not required “thoroughly to explain or define every element of the offense to the defendant.” *Id.* In evaluating the totality of the record, we conclude that the record establishes that Ramirez-Valdez fully understood the nature of the repeater charge as well as the potential consequences. *See Liebnitz*, 231 Wis. 2d at 275. On this record, there is no basis for Ramirez-Valdez to withdraw his guilty pleas.

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<sup>3</sup> Ramirez-Valdez complains that the circuit court did not review the domestic abuse repeater jury instruction. Although a circuit court has flexibility in determining how to ensure a defendant’s understanding of the nature of the charges, we agree with the Wisconsin Supreme Court that a “simple method” to ensure a defendant’s understanding is “to refer to the uniform jury instructions.” *State v. Cecchini*, 124 Wis. 2d 200, 213, 368 N.W.2d 830 (1985), *overruled on other grounds by State v. Bangert*, 131 Wis. 2d 246, 389 N.W.2d 12 (1986).

For all the foregoing reasons,

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.

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