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DISTRICT IV

November 20, 2025

To:

Hon. Jeffrey S. Kuglitsch
Circuit Court Judge
Electronic Notice

Sarah Catherine Geers
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

Leonard D. Kachinsky
Electronic Notice

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

2025AP1185-CR

State of Wisconsin v. Adam Pierre Rogers (L.C. # 2021CF935)

Before Kloppenburg, Nashold, and Taylor, 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).

Adam Pierre Rogers pled guilty to charges of causing mental harm to a child and contributing to the delinquency of a child. He appeals the judgment of conviction on those charges and an order denying his postconviction motion to withdraw his guilty plea to the charge of contributing to the delinquency of a child. Rogers argues that he is entitled to withdraw his guilty plea because there was not a sufficient factual basis for his plea. Based on 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(1) (2023-24).¹ We summarily affirm.

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

After initially being charged with first-degree child sexual assault and incest, Rogers pled guilty to the amended charges of causing mental harm to a child and intentionally contributing to the delinquency of a child – felony. During the plea hearing, the circuit court asked Rogers if he believed that there was a factual basis in the criminal complaint to support a finding of guilt as to both of the charges. Before Rogers answered, his counsel stated, “[T]he court can find a factual basis potentially within the criminal complaint. But as an addendum, we’d also ask that we consider the information in the police reports and some of the statements. I think that would complete the picture.” The court then asked Rogers if he had read the police reports and the information and amended information, and if Rogers believed that there was a factual basis in those documents to support a finding of guilt. Rogers answered yes to both questions. The court agreed that there was a factual basis for the pleas and accepted Rogers’ pleas.

After sentencing, with new counsel, Rogers filed a postconviction motion seeking to withdraw his guilty plea to the charge of contributing to the delinquency of a child. Rogers argued that there was not a factual basis for the plea to the charge of contributing to the delinquency of a child, based on his assertion that the complaint and victim impact statement do not indicate that the victim committed or was encouraged to commit a crime, which is a necessary element of the offense. *See* WIS JI—CRIMINAL 2170 (“Delinquency is any violation of state criminal law by a child.”). The circuit court held a hearing on the motion, at which it stated that the transcript of the plea hearing showed that Rogers’ counsel referred to additional documents to supplement the criminal complaint as a factual basis for the plea, and that Rogers and counsel for both parties confirmed that those documents and the complaint provided a factual basis for the plea. The court implicitly determined that the documents referred to by

counsel together with the criminal complaint established a sufficient factual basis for the plea and denied Rogers' postconviction motion. Rogers appeals.

We review the circuit court's denial of a motion to withdraw a guilty plea for an erroneous exercise of discretion. *State v. Thomas*, 2000 WI 13, ¶13, 232 Wis. 2d 714, 605 N.W.2d 836. After sentencing, a defendant seeking to withdraw a guilty plea bears the burden of establishing by clear and convincing evidence that failure to withdraw the plea amounts to a manifest injustice. *State v. Taylor*, 2013 WI 34, ¶48, 347 Wis. 2d 30, 829 N.W.2d 482; *Thomas*, 232 Wis. 2d 714, ¶16.

Demonstrating that the circuit court lacked a factual basis for the crime charged is one way to show a manifest injustice. *White v. State*, 85 Wis. 2d 485, 488, 271 N.W.2d 97 (1978); *see also* WIS. STAT. § 971.08(1) ("Before the court accepts a plea of guilty ..., it shall ...: ... [a]ddress the defendant personally and determine that the plea is made voluntarily with understanding of the nature of the charge ... [and] [m]ake such inquiry as satisfies it that the defendant in fact committed the crime charged."). The reason that a factual basis for the crime charged must be established at a plea hearing is to "protect a defendant who is in the position of pleading voluntarily with an understanding of the nature of the charge but without realizing that [the defendant's] conduct does not actually fall within the charge." *White*, 85 Wis. 2d at 491 (quoted source omitted). Pertinent here, "[a] factual basis may be established through ... reading of police reports." *Id.* at 490.

It is the appellant's responsibility to ensure that the record is complete on appeal, and "when an appellate record is incomplete in connection with an issue raised by the appellant, we must assume that the missing material supports the [circuit] court's ruling." *Fiumefreddo v.*

McLean, 174 Wis. 2d 10, 26-27, 496 N.W.2d 226 (Ct. App. 1993); *Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381. Further, on appeal, “it is the burden of the appellant to demonstrate that the [circuit] court erred.” *Gaethke*, 376 Wis. 2d 448, ¶36 (alteration in original; quoted source omitted).

Here, the circuit court relied in part on the police reports to conclude that there existed a factual basis for Rogers’ plea to the charge of contributing to the delinquency of a child. The appellate record does not contain any police reports. Accordingly, we are unable to review this potentially relevant evidence, and we “must assume” that the missing police reports “support[] the [circuit] court’s ruling.” See *Fiumefreddo*, 174 Wis. 2d at 27.

Rogers argues that we should not infer that the missing police reports support the circuit court’s ruling because the State did not articulate its theory based on those documents or present “documents not in the record” at the postconviction motion hearing that might provide a factual basis for the charge of contributing to the delinquency of a child. However, Rogers does not argue that the missing police reports are not relevant evidence on the issue that he raises on appeal, and he does not cite legal authority refuting the law cited above requiring that we assume that the missing police reports support the order that he challenges. See *Industrial Risk Insurers v. American Eng’g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82 (stating that we will generally not consider arguments unsupported by legal authority). Nor does he cite legal authority to support the part of his argument putting the burden on the State to provide the police reports at the postconviction motion hearing. See *id.*; *Thomas*, 232 Wis. 2d 714, ¶16 (the defendant has the burden of showing by clear and convincing evidence that

withdrawal of the defendant’s plea is necessary to correct a manifest injustice). For these reasons, we reject Rogers’ argument and affirm.²

Therefore,

IT IS ORDERED that the judgment and order appealed from are summarily affirmed under WIS. STAT. RULE 809.21(1).

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

Samuel A. Christensen
Clerk of Court of Appeals

² Because we affirm based on our assumption that the material missing from the record supports the circuit court’s ruling as to the factual basis for the plea, we do not address Rogers’ alternative argument that the original charges of first-degree child sexual assault and incest are not “reasonably related to the offense to which the plea is offered,” such that the factual basis requirement in WIS. STAT. § 971.08(1) is not satisfied under *State v. Harrell*, 182 Wis. 2d 408, 419, 513 N.W.2d 676 (Ct. App. 1994) (explaining that “in a plea bargain context, the requirements of § 971.08(1)(a) are met if the [circuit] court satisfies itself that the plea is voluntary and understandingly made and that a factual basis is shown for either the offense to which the plea is offered or to a more serious charge reasonably related to the offense to which the plea is offered”). See *Barrows v. American Fam. Ins. Co.*, 2014 WI App 11, ¶9, 352 Wis. 2d 436, 842 N.W.2d 508 (2013) (“An appellate court need not address every issue raised by the parties when one issue is dispositive.”). For the same reason, we do not address Rogers’ argument that “the stipulation of the attorneys and the court to a factual basis was not sufficient to create one.” See *id.*