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**DISTRICT II**

December 17, 2025

To:

Hon. Bridget Schoenborn  
Circuit Court Judge  
Electronic Notice

Monica Paz  
Clerk of Circuit Court  
Waukesha County Courthouse  
Electronic Notice

David Malkus  
Electronic Notice

Randy Sitzberger  
Waukesha County District Attorney's Office  
515 West Moreland Boulevard  
Waukesha, WI 53188

Tueshanda M. Webster  
10439 W. Silver Spring Dr.  
Milwaukee, WI 53225

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

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2025AP600-CRNM      State of Wisconsin v. Tueshanda M. Webster (L.C. #2023CF970)

**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).**

Before Gundrum, J.<sup>1</sup>

Tueshanda M. Webster appeals from a judgment of conviction entered upon her plea of no contest. Her appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Webster received a copy of the report, was advised of her right to file a response, and has elected not to do so. Upon consideration of the

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

report and an independent review of the record, we conclude there are no issues with arguable merit for appeal. We summarily affirm. *See* WIS. STAT. RULE 809.21.

Webster was charged with second-degree recklessly endangering safety after she reportedly pointed a gun at her neighbor during a verbal altercation. There were neighborhood children in the immediate area of the altercation at that time. Pursuant to an agreement with the State, Webster entered a plea of no contest to one count of disorderly conduct with use of a dangerous weapon. A separate felony case was dismissed and read in. For the disorderly conduct conviction, the circuit court sentenced Webster to a time-served disposition of four days in the county jail. This no-merit appeal follows.

First, we see no arguable basis for plea withdrawal. In order to withdraw a plea after sentencing, a defendant either must show that the plea colloquy was defective in a manner that resulted in the defendant actually entering an unknowing plea, or demonstrate some other manifest injustice such as coercion, the lack of a factual basis to support the charge, ineffective assistance of counsel, or failure by the prosecutor to fulfill the plea agreement. *State v. Bangert*, 131 Wis. 2d 246, 272-76, 389 N.W.2d 12 (1986); *State v. Krieger*, 163 Wis. 2d 241, 249-51 n.6, 471 N.W.2d 599 (Ct. App. 1991). There is no indication of any such defect here.

As stated above, Webster entered a no-contest plea to disorderly conduct with a weapons enhancer. The circuit court conducted a standard plea colloquy, inquiring into Webster's ability to understand the proceedings and the voluntariness of her plea decision, and further exploring her understanding of the nature of the charge, the penalty range and other direct consequences of the plea, and the constitutional rights being waived. *See State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794; and *Bangert*, 131 Wis. 2d at 266-72. The court made sure

Webster understood that it would not be bound by any sentencing recommendations. In addition, Webster provided the court with a signed plea questionnaire. Webster indicated to the court that she had indeed signed the form and understood the information explained on that form, and she is not now claiming otherwise. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987).

Webster's trial counsel stated on the record that facts in the criminal complaint supplied a factual basis for the plea, and there is nothing in the record or the no-merit report that leads us to conclude otherwise. In addition, Webster indicated satisfaction with her attorney, and nothing in our independent review of the record would support a claim that counsel rendered ineffective assistance. Webster has not alleged any other facts that would give rise to a manifest injustice. Therefore, the plea was valid and operated to waive all nonjurisdictional defects and defenses, aside from any suppression ruling.<sup>2</sup> *State v. Kelty*, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886.

There also is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. In imposing sentence, the court considered the seriousness of the offenses, Webster's character, and the need to protect the public. *See State v. Gallion*, 2004 WI 42, ¶¶27, 40-44, 270 Wis. 2d 535, 678 N.W.2d 197. Webster had the opportunity to address the court directly, and did so prior to the court's imposition of sentence. The court imposed a time-served sentence of 4 days in jail, reasoning that because this was Webster's first involvement with the criminal justice system at 36-years old, the time she sat in jail was a sufficient sentence. With

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<sup>2</sup> Our review of the record and the no-merit report does not indicate that any suppression motions were filed in this case.

the weapons enhancer, Webster faced a maximum sentence of 15 months of jail time. Under the circumstances, it cannot reasonably be argued that Webster's sentence is so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Upon our independent review of the record, we have found no other arguable basis for reversing the judgment of conviction. *See State v. Allen*, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Accordingly,

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

IT IS FURTHER ORDERED that Attorney David Malkus is relieved from further representing Tueshanda M. Webster in this appeal. *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*