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DISTRICT II

February 18, 2026

To:

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Electronic Notice

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Clerk of Circuit Court
Racine County Courthouse
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Bradley J. Lochowicz
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You are hereby notified that the Court has entered the following opinion and order:

2024AP230-CR State of Wisconsin v. Leonta L. Willis (L.C. #2017CF1554)

Before Neubauer, P.J., Gundrum, and Lazar, 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).

Leonta L. Willis appeals the judgment convicting him of second-degree sexual assault as a repeater. *See* WIS. STAT. § 940.225(2)(a) & 939.62(1)(c) (2023-24).[1] He also appeals the order denying his postconviction motion. 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. We affirm.

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

Pursuant to a plea agreement, Willis pled no contest to second-degree sexual assault as a repeater. According to the complaint, Willis approached the victim, Linda,[2] in his car and asked her if she wanted a ride. When she declined, Willis pulled Linda into his car and drove her to a garage and assaulted her there. After the assault, Linda went to a hospital, where she was found to have suffered fractures to her nasal bone, nasal septum, and maxillary bone, as well as a torn vagina. Police subsequently located Willis and the garage where Linda was assaulted. Willis had a fresh cut on his hand and blood on his shoes and jeans. The garage was covered in blood and had Linda's shirt in it. Further investigation found Willis's semen in swabs of Linda's vagina.

Prior to the plea hearing, Willis met with his attorney and completed a plea questionnaire and waiver of rights form. A checked box on the form indicated Willis understood the charge to which he was pleading. Attached to the form was a document containing both the statutory definition of second-degree sexual assault under WIS. STAT. § 940.225(2)(a) as well as the three elements set forth in the jury instruction for that crime, WIS JI—CRIMINAL 1208 (2016). Willis signed and dated the form, and his attorney did the same. Willis's signature appeared directly below a statement confirming: "I have reviewed and understand this entire document and any attachments. I have reviewed it with my attorney (if represented). I have answered all questions truthfully and either I or my attorney have checked the boxes."

At Willis's plea hearing, the circuit court asked Willis whether his attorney discussed the plea questionnaire and waiver of rights form with him, and Willis stated that she did. Willis also

[2] Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we use a pseudonym when referring to the victim.

confirmed that he signed the plea questionnaire and had read and understood it. The court also referenced the document attached to the plea questionnaire and asked Willis whether he had reviewed it. Willis said that he had.

The circuit court then stated the elements of second-degree sexual assault as they pertained to Willis: "[T]he government would have to prove beyond a reasonable doubt…. First, that you had sexual intercourse with [Linda]. Secondly, [Linda] did not consent to the sexual intercourse. Thirdly, that you had sexual intercourse with [Linda] by the use or threat of force or violence." When the court asked Willis whether he understood what the State had to prove to a jury in his case, Willis responded, "Yes."

The circuit court then used the complaint to conduct the following colloquy with Willis:

> THE COURT: All right. Do you remember the criminal [c]omplaint? It's the written document that started the case?
>
> DEFENDANT: Yes.
>
> THE COURT: All right. Well, looking at it, there was a report that…. [Linda] was approached by a man in a car who offered her a ride. She declined the ride.
>
> The man … forced her into the car. The man when she was in the car punched her in the face. Then drove to a garage, dragged her into the garage. While in the garage caused [Linda] to remov[e] her clothing and at that time the man had penis to vaginal intercourse with her. You were identified as being that man.
>
> Do you understand that I will take this to be the factual basis for the acceptance of [the] plea?
>
> DEFENDANT: Yes.

The circuit court accepted Willis's plea, and Willis was sentenced. Willis later filed a postconviction motion seeking to withdraw his plea. As relevant here, he argued that neither

defense counsel nor the court provided him with the "full definitions supporting the elements of the offense." Willis's motion was denied, and he now appeals.

On appeal, Willis argues that his plea was not knowingly, voluntarily, and intelligently entered. Whether a plea was knowingly, voluntarily, and intelligently entered is a question of constitutional fact. ***State v. Trochinski***, 2002 WI 56, ¶16, 253 Wis. 2d 38, 644 N.W.2d 891. We review Willis's plea independently, benefitting from the circuit court's analysis. *See* ***id.*** Findings of historical or evidentiary fact will be upheld unless they are clearly erroneous. ***Id.***

Willis has the initial burden to show, first, that the circuit court accepted his guilty plea without conforming to WIS. STAT. § 971.08 or other mandatory procedures and, second, that he did not know or understand the information that should have been provided at the plea hearing. *See* ***State v. Jipson***, 2003 WI App 222, ¶7, 267 Wis. 2d 467, 671 N.W.2d 18. Only if Willis satisfies this test does the burden shift to the State to show by clear and convincing evidence that the plea "was somehow otherwise knowingly, voluntarily, and intelligently made, despite any shortcomings at the plea hearing." *See* ***id.***

Specifically, Willis argues that the plea colloquy was defective because the circuit court did not define or explain "sexual intercourse," an essential element of second-degree sexual assault. *See* WIS. STAT. § 940.225(2)(a). According to Willis, because neither the court nor his attorney defined or explained sexual intercourse, the burden shifts to the State to establish that he understood what that meant. *See* ***Jipson***, 267 Wis. 2d 467, ¶7.

We disagree. While the circuit court was required to ensure Willis possessed an "awareness of the essential elements of the crime," it was not required to define or explain "sexual intercourse." *See* ***State v. Bangert***, 131 Wis. 2d 246, 266-67, 389 N.W.2d 12 (1986).

Before it may accept a guilty or no contest plea, a court must "[a]ddress the defendant personally and determine that the plea is made voluntarily with understanding of the nature of the charge and the potential punishment if convicted." WIS. STAT. § 971.08(1)(a). Specifically, a court must ascertain whether the defendant possesses an "awareness of the essential elements of the crime." *See* ***Bangert***, 131 Wis. 2d at 266-67. This means that the defendant possessed accurate information about the charge and understood that information. ***Id.*** at 267. A court may accomplish this by one of three non-exhaustive methods or a combination of them. ***State v. Brown***, 2006 WI 100, ¶¶46-48, 293 Wis. 2d 594, 716 N.W.2d 906. A circuit court can: (1) "'summarize the elements of the crime charged by reading from the appropriate jury instructions ... or from the applicable statute,'" (2) refer to a prior court proceeding at which the elements were reviewed, or (3) refer to a document signed by the defendant that includes the elements. ***Id.*** (citation omitted). However, "***Bangert*** and subsequent cases do not require a court thoroughly to explain or define every element of the offense to the defendant." *See* ***Trochinski***, 253 Wis. 2d 38, ¶20. "[A] valid plea requires only knowledge of the elements of the offense, not a knowledge of the nuances and descriptions of the elements." ***Id.***, ¶29.

The aforementioned facts clearly demonstrate that the circuit court properly determined that Willis was aware of the essential elements of second-degree sexual assault. The attachment to the plea questionnaire and waiver of rights form, which Willis said that he reviewed and understood, had both the complete statutory definition of the crime as well as the jury instruction, which listed all the elements. The court also restated all the elements at the plea hearing and confirmed that Willis understood them. Finally, the court used the complaint, which described Willis having sexual intercourse with Linda without her consent and by the use of force or violence, to establish the factual basis for the plea. *See* WIS. STAT. § 940.225(2)(a).

Moreover, neither of the two cases Willis cites—***Jipson***, *supra*, and ***State v. Nichelson***, 220 Wis. 2d 214, 582 N.W.2d 460 (Ct. App. 1998)—support his argument. At issue in both cases was whether the plea colloquy established that the defendant was aware that the State would have been required to prove not only that the defendant had sexual contact with the victim, but also that he did so "for the purpose of his sexual gratification or any other purpose" enumerated by the statute. *See* ***Jipson***, 267 Wis. 2d 467, ¶¶2, 8-9; ***Nichelson***, 220 Wis. 2d at 220.

In ***Jipson***, there was a "total failure" to inform Jipson that the alleged sexual contact had to have been committed for the purpose of Jipson's sexual gratification. *See* ***id.***, 267 Wis. 2d 467, ¶¶9-10. Neither the plea questionnaire and waiver of rights form, Jipson's attorney, nor the circuit court explained this element:

> On the plea questionnaire/waiver of rights form, Jipson's attorney listed the elements of the offense as "Had sexual contact, w/person under age 16, knowing contact." The attorney testified he used the term "knowing contact" on the plea questionnaire to indicate that whatever contact occurred between Jipson and the victim was not inadvertent or accidental. The attorney never explained to Jipson that the State had to prove Jipson had intentional sexual contact for the purpose of his sexual gratification or any other purpose listed in WIS. STAT. § 948.01(5). During the plea colloquy, the trial court never discussed with Jipson the specific elements of the offense.

Jipson, 267 Wis. 2d 467, ¶3.

Likewise, in ***Nichelson*** the plea colloquy did not explain that sexual contact at issue was allegedly committed for the purpose of Nichelson's sexual gratification:

> At the time of the plea, there was ***no*** colloquy between Nichelson and the trial court as to Nichelson's understanding of the nature of the charges against him….
>
> ….

> … [T]he record is insufficient to demonstrate that Nichelson understood the nature of the charge. In particular, the above colloquy does not indicate that Nichelson knew the State had to prove beyond a reasonable doubt that his purpose in sexually touching the child was his own sexual gratification…. This failure is especially important given that Nichelson's initial statements to the police indicated that his defense was based on the allegedly accidental nature of the contact.

Nichelson, 220 Wis. 2d at 219-20 (emphasis added).

In contrast with ***Jipson*** and ***Nichelson***, Willis was made aware of the essential elements of the charged offense on multiple occasions. Indeed, in referring to the complaint, the circuit court went so far as to describe the intercourse as "penis to vaginal." Moreover, Willis's discussion of the fact that neither his attorney nor the court explained that the legal definition of "sexual intercourse" does not require the emission of semen is a nonstarter, and we will not consider it further. *See* ***State v. Waste Mgmt. of Wis., Inc.***, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978).

Therefore, for the foregoing reasons,

IT IS ORDERED that the judgment and order of the circuit court 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