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DISTRICT II

April 29, 2026

To:

Hon. Timothy D. Boyle
Circuit Court Judge
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Pamela Moorshead
Electronic Notice

John Blimling
Electronic Notice

Adrian D. Oliver
5504 Cambridge Lane, Unit 4
Mount Pleasant, WI 53406

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

2024AP1927-CRNM State of Wisconsin v. Adrian D. Oliver (L.C. #2019CF297)

Before Neubauer, P.J., Grogan, 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).

Adrian D. Oliver appeals a judgment of conviction for fifth or sixth-offense operating while intoxicated (OWI). Oliver's appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Oliver was advised of the right to file a response but has not responded. Upon consideration of the no-merit report, and following an independent review of the record as mandated by *Anders*

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

and RULE 809.32, we conclude there is no arguable merit to any issue that could be raised on appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21(1).

Oliver was charged in a six-count criminal complaint, including with the offense of conviction. The complaint alleged that a bystander had flagged down police after witnessing Oliver's vehicle strike road signs. Oliver led police on a chase and was apprehended after fleeing from his vehicle. Oliver admitted to drinking, and a review of his Department of Transportation records revealed four prior OWI convictions and an implied consent violation. A blood sample taken soon after the accident revealed a .240 blood alcohol concentration (PAC).

Oliver reached a plea agreement with the State under which he entered a no contest plea to fifth or sixth-offense OWI. A PAC charge was dismissed outright, and the remaining charges were dismissed and read in. The State agreed to recommend three years' initial confinement and three years' extended supervision, with the defense free to argue. The circuit court accepted Oliver's plea following a plea colloquy and sentenced him consistent with the State's recommendation.

Following the appointment of postconviction counsel, Oliver filed a pro se sentence modification motion that was summarily denied. Appointed counsel then successfully moved for an increase in the sentence credit owed to Oliver. This no merit appeal followed.

The no-merit report addresses whether there would be any nonfrivolous basis to challenge the validity of Oliver's plea or the circuit court's exercise of its sentencing discretion. Based upon the representations of the no-merit report, and following our independent review of the record, we are satisfied that the no-merit report sufficiently analyzes these issues and

properly concludes that any challenge based upon them would lack arguable merit.² Additionally, we perceive no other nonfrivolous issues for appeal based on this record.

Therefore,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that Attorney Pamela Moorshead is relieved of further responsibility for representing Adrian D. Oliver in connection with this appeal. *See* WIS. STAT. RULE 809.32(3).

² Appointed counsel states that the circuit court’s plea colloquy failed to ascertain whether Oliver’s plea was coerced by any threats or promises. But the circuit court did ask more generally whether anyone was forcing Oliver to enter his no contest plea. Coupled with the information in the signed plea questionnaire and waiver of rights form, this was sufficient for purposes of the colloquy. *See State v. Hoppe*, 2009 WI 41, ¶42, 317 Wis. 2d 161, 765 N.W.2d 794 (observing that the use of the plea questionnaire and waiver of rights form lessens the extent and degree of the colloquy otherwise required). In any event, counsel represents that, based on discussions with Oliver, he would be “unable to make the required allegation that a threat or promise was made ... [that] induce[d] him to plead guilty.” *See State v. Cajujuan Pegeese*, 2019 WI 60, ¶26, 387 Wis. 2d 119, 928 N.W.2d 590. We also note that the no-merit report headings are confusing. The first says: “This court should allow Mr. Oliver to withdraw his pleas.” The second says: “This court should remand this case for resentencing because the circuit court erroneously exercised its discretion.” The purpose of a heading is to act as a summary of the argument that follows. These headings suggest there is merit to the plea and sentencing argument. But the substance that follows the headings demonstrate that there is no merit to either a plea withdrawal or a sentencing challenge. The headings should match the substance of the argument or at least be phrased as a question such as: Should Mr. Oliver be allowed to withdraw his pleas? And did the circuit court erroneously exercise its discretion when imposing the sentence?

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

Samuel A. Christensen
Clerk of Court of Appeals