



OFFICE OF THE CLERK  
**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 II**

May 13, 2026

To:

Hon. Samantha R. Bastil  
Circuit Court Judge  
Electronic Notice

Annice Kelly  
Electronic Notice

Chris Koenig  
Clerk of Circuit Court  
Sheboygan County Courthouse  
Electronic Notice

Daniel J. O'Brien  
Electronic Notice

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

---

2025AP541-CR

State of Wisconsin v. Antoine Donell Leverett (L.C. #2021CF766)

Before Neubauer, P.J., Gundrum, and Grogan, 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).**

Antoine Donell Leverett appeals a judgment of conviction, entered following a jury trial, and an order denying postconviction relief. On appeal, Leverett argues trial counsel was ineffective for failing to file a pretrial motion to dismiss a charge of which the jury ultimately acquitted him. He also argues counsel was ineffective for failing to object to testimony regarding his former girlfriend's belief she was pregnant. 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 (2023-24).<sup>1</sup> We affirm.

The State charged Leverett with strangulation/suffocation, false imprisonment, fourth-degree sexual assault, and human trafficking, all counts as a repeater and with the domestic abuse assessment. As relevant to the human trafficking charge, the State alleged that the trafficking was done “for the purposes of a commercial sex act.” *See* WIS. STAT. § 940.302(2)(a)1.b. The criminal complaint and the testimony from the preliminary hearing established that Leverett forced his girlfriend, Theresa,<sup>2</sup> to post advertisements for sexual activities along with nude photographs of herself because Leverett wanted to lure men to the apartment to rob them. Leverett did not want Theresa to have sex with anyone who responded to the advertisements.

The case proceeded to trial. At trial, Theresa testified that after she started a relationship with Leverett, he became “very controlling.” He would not let her leave the apartment. He then “started putting his ... hands on [Theresa.]” Theresa described how Leverett “took a belt, put it around [her] neck, and pulled [her] from the kitchen to the bedroom.” She also described an incident where Leverett crawled on top of her and slapped her in the face with his penis without her consent. Theresa then testified that Leverett forced her to post advertisements for sexual activities and nude photographs of herself. Leverett did not want her to have sex with anyone

---

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

<sup>2</sup> Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we use a pseudonym when referring to Leverett’s former girlfriend.

who responded to the advertisements; he wanted Theresa to lure them to the apartment so Leverett could rob them.

Theresa also testified that at one point, she believed she was pregnant and told Leverett he may be the father. Theresa stated that her belief that she was pregnant factored into her decision to stay with Leverett because “he was going to be the father of my child, so, ... I figured ... I might as well stay with him ... try to make it work.” After Theresa told Leverett she was pregnant, the assaults continued. Leverett kicked and hit Theresa’s stomach, and she told him “he’s going to be the cause of [her] losing his baby.” Theresa explained that after she eventually reported Leverett to police, she went to the hospital and learned she was not pregnant.

A jury convicted Leverett of strangulation/suffocation, false imprisonment, and fourth-degree sexual assault. He was acquitted of human trafficking.

Leverett filed a postconviction motion alleging counsel was ineffective for failing to file a pretrial motion to dismiss the human trafficking count and for failing to object to references at trial that Theresa believed she was pregnant. Following an evidentiary hearing, the circuit court denied the motion. Leverett appeals.

To establish a claim of ineffective assistance of counsel, Leverett must prove both: (1) deficient performance by counsel; and (2) prejudice resulting from that deficient performance. See *Strickland v. Washington*, 466 U.S. 668, 687 (1984). We need not address both elements of the ineffective assistance test if the defendant fails to make a sufficient showing on one of them. *State v. Dalton*, 2018 WI 85, ¶32, 383 Wis. 2d 147, 914 N.W.2d 120.

“To demonstrate deficient performance, a defendant must show that counsel’s representation fell below an objective standard of reasonableness considering all the circumstances.” *Id.*, ¶34. “In evaluating counsel’s performance, this court is highly deferential to counsel’s strategic decisions.” *Id.*, ¶35. We must make “every effort ... to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from counsel’s perspective at the time.” *Strickland*, 466 U.S. at 689.

“To prove prejudice, a defendant must establish that ‘*particular* errors of counsel were unreasonable’ and ‘that they *actually* had an adverse effect on the defense.’” *State v. Sholar*, 2018 WI 53, ¶33, 381 Wis. 2d 560, 912 N.W.2d 89. We evaluate whether “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694.

On appeal, Leverett first argues counsel was ineffective for failing to file a pretrial motion to dismiss the human trafficking charge. In support, Leverett emphasizes that the State alleged Leverett trafficked Theresa “for the purposes of a commercial sex act.” *See* WIS. STAT. § 940.302(2)(a)1.b. However, Leverett argues that the allegations in the criminal complaint and the evidence from the preliminary hearing did not establish Leverett trafficked Theresa “for the purposes of a commercial sex act.” *See id.* Rather, Leverett only wanted Theresa to post the sexual advertisements in order to lure men to the apartment so Leverett could rob them. Leverett asserts trial counsel was deficient for failing to move to dismiss the human trafficking charge because dismissal would have been granted. He argues he was prejudiced by counsel’s failure because had the charge been dismissed, the trafficking evidence would have been excluded from his trial on the other charges.

The State responds Leverett has failed to establish counsel was ineffective for failing to move to dismiss the trafficking charge. The State argues, in part, that had trial counsel moved to dismiss the human trafficking charge on the basis that Leverett did *not* traffic Theresa for the purpose of a commercial sex act, but rather to lure men for a robbery, then the State would have simply amended the charge to a different trafficking subsection in order to conform to the evidence. Specifically, instead of charging him with human trafficking “for the purposes of a commercial sex act,” *see* WIS. STAT. § 940.302(2)(a)1.b., the State would have simply charged him with human trafficking “for the purpose of labor *or services*,” *see* § 940.302(2)(a)1.a. (emphasis added). The State asserts that the allegations in the criminal complaint and evidence from the preliminary hearing (and later trial) established Leverett wanted Theresa to provide the “services” of luring men to their apartment so he could rob them. The State argues that trial counsel’s lack of objection prevented the State from amending the human trafficking charge to conform to the evidence and likely saved Leverett from conviction under the “services” form of human trafficking.

In his reply brief, Leverett does not respond to the State’s argument that Leverett was not prejudiced because the human trafficking charge simply would have been amended to another

form of human trafficking. We therefore deem the argument conceded.<sup>3</sup> See *Charolais Breeding Ranches v. FPC Secs. Corp.*, 90 Wis. 2d 97, 109, 279 N.W.2d 493 (Ct. App. 1979) (unrefuted arguments are deemed admitted). Leverett has not established trial counsel was ineffective for failing to move to dismiss the human trafficking charge. See *Dalton*, 383 Wis. 2d 147, ¶32.

We next turn to Leverett’s argument that counsel was ineffective for failing to object to evidence that Theresa believed she was pregnant. Leverett argues that counsel was deficient for failing to object to this evidence because it was barred by Wisconsin’s rape shield law, WIS. STAT. § 972.11(2), and the evidence was not relevant and unduly prejudicial. He contends he was prejudiced because the jury improperly learned that Leverett may have strangled, suffocated, imprisoned, and sexually assaulted Theresa while under the belief that she was pregnant.

The State responds, in part, by arguing that the pregnancy evidence was not prohibited by Wisconsin’s rape shield law. The State explains that WIS. STAT. § 972.11(2)(b)1. creates an

---

<sup>3</sup> In any event, even if trial counsel had successfully moved to dismiss the human trafficking charge before trial, we disagree with Leverett that the trafficking evidence would have been inadmissible at a trial on the other charges. Rather, the evidence of what Leverett forced Theresa to do would have been admissible panorama evidence. “Panorama evidence” is evidence that provides context, background, or a complete picture of the crime. *State v. Dukes*, 2007 WI App 175, ¶28, 303 Wis. 2d 208, 736 N.W.2d 515; *State v. Jensen*, 2011 WI App 3, ¶¶81, 85-86, 331 Wis. 2d 440, 794 N.W.2d 482. It is frequently relevant and admissible in cases, such as this one, where the dynamics in an intimate or domestic relationship are central to the charges. See, e.g., *Jensen*, 331 Wis. 2d 440, ¶85 (evidence that Jensen left explicit photos around the house “involved the relationship between the [two] principal actors” and explained Jensen’s treatment of victim leading up to her murder). The evidence that Leverett forced Theresa to post nude pictures and advertise sexual services online provides context and explains the dynamics of Leverett and Theresa’s relationship. See *id.* (Panorama “evidence involved the relationship between the principal actors[.]”).

Further, and contrary to Leverett’s additional argument, the trafficking would also not have been barred by Wisconsin’s rape shield law because it was “[e]vidence of the complaining witness’s past conduct with the defendant.” See WIS. STAT. § 972.11(2)(b)1.

exception for “[e]vidence of the complaining witness’s past conduct with the defendant.” In this case, Theresa was the complaining witness and Leverett was the defendant. The State argues this exception would have also permitted Theresa to testify that she believed the sexual intercourse during their relationship caused her to become pregnant with Leverett’s child.

We agree with the State. Moreover, in his reply brief, Leverett does not respond to the State’s argument that given the circumstances of this case, the evidence of Theresa’s pregnancy falls within an exception to the rape shield law. *See Charolais*, 90 Wis. 2d at 109. We conclude that Leverett has thus conceded this evidence is not protected by Wisconsin’s rape shield law.

We also disagree with Leverett that the evidence should have been excluded because it was not relevant and it was unduly prejudicial. *See* WIS. STAT. §§ 904.02, 904.03. Rather, the evidence of Theresa’s pregnancy was relevant and admissible to provide context. It showed Leverett’s abusive and controlling behavior towards Theresa and helped explain why she did not try to leave the relationship sooner. The evidence also established Leverett intentionally inflicted violence on Theresa even after learning that she might be pregnant with his child, which showed his state of mind as to the charged offenses. The strong probative value of this evidence was not substantially outweighed by the danger of unfair prejudice. *See* § 904.03. We conclude Leverett has failed to establish counsel was ineffective for failing to object to the evidence that Theresa believed she was pregnant.

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed pursuant to 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*