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DISTRICT II

July 29, 2026

To:

Hon. Michael J. Aprahamian
Circuit Court Judge
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Pamela Moorshead
Electronic Notice

Will Straube
Electronic Notice

John Blimling
Electronic Notice

Tommy Deville Zollicoffer #503688
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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

2024AP2042-CRNM State of Wisconsin v. Tommy Deville Zollicoffer
(L.C. #2022CF1090)

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).

Attorney Will Straube, appointed counsel for appellant Tommy Deville Zollicoffer, has filed a no-merit report seeking to withdraw as appellate counsel.¹ See WIS. STAT. RULE 809.32 (2023-24).² The no-merit report addresses whether there would be arguable merit to a challenge

¹ Attorneys Will Straube and Pamela Moorshead were appointed as co-counsel to represent Zollicoffer in postconviction proceedings. However, only Attorney Straube has filed a no-merit report seeking to withdraw as appointed counsel. This court will construe the no-merit report filed by Attorney Straube as seeking to withdraw on behalf of co-counsel as well.

² All references to the Wisconsin Statutes are to the 2023-24 version.

to Zollicoffer's plea or sentencing. Zollicoffer was provided a copy of the no-merit report, but has not filed a response. Upon our review of the no-merit report, as well as our independent review of the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we agree with counsel that there are no issues of arguable merit. We summarily affirm the judgment of conviction. See WIS. STAT. RULE 809.21.

The State charged Zollicoffer with attempting to flee a police officer, possession with intent to deliver 200 grams or less of THC, possession of drug paraphernalia, and two counts of felony bail jumping.³ Pursuant to a plea agreement, Zollicoffer pled no contest to fleeing an officer and possession with intent to deliver 200 grams or less of THC, and the remaining charges were dismissed and read-in for sentencing purposes. Additionally, under the plea agreement, the State recommended a prison sentence on both counts without specifying the length of prison it recommended, and took no position as to the conditions of extended supervision. The circuit court sentenced Zollicoffer to concurrent sentences of three and one-half years of initial confinement and two years of extended supervision.

The no-merit report addresses whether there would be arguable merit to a challenge to the validity of Zollicoffer's plea. We agree with counsel's assessment that a challenge to Zollicoffer's plea would be wholly frivolous. A post-sentencing motion for plea withdrawal must establish that plea withdrawal is necessary to correct a manifest injustice, such as a plea that was not knowing, intelligent, and voluntary. *State v. Brown*, 2006 WI 100, ¶18, 293 Wis. 2d 594, 716 N.W.2d 906. Here, the circuit court conducted a plea colloquy that, together

³ The State originally charged Zollicoffer as a repeater, but conceded at the plea hearing that the repeater allegation was not supported by the facts.

with the plea questionnaire that Zollicoffer signed, satisfied the court’s mandatory duties to personally address Zollicoffer and determine information such as Zollicoffer’s understanding of the nature of the charges, the range of punishments he faced, and the constitutional rights he waived by entering a plea. See *State v. Hoppe*, 2009 WI 41, ¶¶18, 30, 317 Wis. 2d 161, 765 N.W.2d 794. There is no indication of any other basis for plea withdrawal. A valid guilty plea constitutes a waiver of all nonjurisdictional defects and defenses. *State v. Kelty*, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886.

The no-merit report also addresses whether there would be arguable merit to a challenge to Zollicoffer’s sentence. We agree with counsel that this issue lacks arguable merit. Our review of a sentence determination begins “with the presumption that the [circuit] court acted reasonably, and the defendant must show some unreasonable or unjustifiable basis in the record for the sentence complained of.” *State v. Krueger*, 119 Wis. 2d 327, 336, 351 N.W.2d 738 (Ct. App. 1984). The record establishes that Zollicoffer was afforded the opportunity to address the court prior to sentencing. The court explained that it considered facts pertinent to the standard sentencing factors and objectives, including the seriousness of the offenses, Zollicoffer’s character and rehabilitative needs, and the need to protect the public. See *State v. Gallion*, 2004 WI 42, ¶¶39-46 & n.11, 270 Wis. 2d 535, 678 N.W.2d 197. The court awarded Zollicoffer five days of sentence credit, on counsel’s stipulation. We discern no non-frivolous basis to challenge the sentence imposed by the circuit court.

Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorneys Pamela Moorshead and Will Straube are relieved from further representing Tommy Deville Zollicoffer in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals