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DISTRICT I

September 22, 2026

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

2024AP603-CRNM State of Wisconsin v. Lawrence C. Threadgill, III
(L.C. # 2020CF4409)

Before Donald, C.J., Geenen, and Petrashek, 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).

Lawrence C. Threadgill, III, appeals from a judgment, entered on his guilty pleas, convicting him of one count of misdemeanor possession of cocaine, one count of second-degree recklessly endangering safety, and two counts of possession of a firearm by a felon as a repeater. Appellate counsel, Olivia Garman, has filed a no-merit report, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24),¹ Threadgill filed a response, and

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

counsel filed a supplemental report. Upon this court's independent review of the record, as mandated by **Anders**, counsel's reports, and Threadgill's response, we conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment. See WIS. STAT. RULE 809.21.

According to the criminal complaint, on November 23, 2020, a Milwaukee County sheriff's deputy observed a white sedan "deviating from its lane and fluctuating its speed." The deputy initiated a traffic stop. She made contact with the driver, identified as Threadgill through his driver's permit, and Threadgill's passenger. The deputy observed that Threadgill appeared to be "very nervous and sweating profusely."

Two additional deputies arrived and took over the traffic stop. One of the new deputies made contact with Threadgill and also identified him via the permit. The deputy asked Threadgill to step out of the vehicle. Threadgill refused and demanded a supervisor. Threadgill continued to refuse to exit and rolled up his window before he "took off at a high rate of speed and fled the stop." The deputies followed and were informed that the vehicle had crashed into a hotel sign. Deputies searched around the hotel and found the passenger, but not Threadgill.

Because the sedan was going to be towed from the scene, the deputies conducted an inventory search. They found multiple documents with Threadgill's name and a black "bailout" bag that contained a hidden pouch. Inside the pouch were "seven individually wrapped corner cuts containing a white rock like substance," which later tested positive for cocaine. Deputies initially reported recovering 3.7 grams.

While the deputies were investigating, they were approached by a citizen, J.G.H., who asked if they had caught the driver. J.G.H. explained that "a subject pointed a gun at his child

and tried to get into his house.” Deputies went to the house and spoke to the child, who reported that he “was taking out the garbage when he heard sirens.... [H]e thought he saw someone in the wooded area nearby, so he went back towards the house.” As the child was “waiting by the door, he saw a guy run up to the door.... [T]he man was asking for help and then lifted up his shirt, revealing a black gun with a bronze handle.” The deputies viewed video from J.G.H.’s Ring doorbell camera and identified Threadgill, who was wearing the same clothes from the traffic stop.

The next day, a Greenfield police officer was dispatched to a home in the same block as J.G.H.’s home. The home’s resident, T.D., had located a firearm in one of his outside garbage cans and was aware that police had been looking for someone in the area the day before. The officer recovered the firearm, a Taurus 9mm handgun loaded with a round in the chamber, and later turned the gun over to the Milwaukee County Sheriff’s Department.

Two weeks later, on December 8, 2020, sheriff’s deputies were surveilling a home believed to be the home of Threadgill’s girlfriend. They watched as Threadgill and his girlfriend exited the house and got into a car, with Threadgill as the driver. The deputies attempted a traffic stop, but Threadgill fled at high speed. Deputies pursued Threadgill, who accelerated to sixty miles per hour on city streets, lost control, began driving through yards, struck a stop sign, and nearly struck a residence. It appeared that the vehicle was disabled, so one deputy began to approach, but Threadgill accelerated again and drove through several yards. Threadgill swerved around traffic, drove onto the sidewalk, and knocked down a metal sign before getting back on the street. Threadgill continued driving until he collided with one of the sheriff’s squad cars, which caused Threadgill to go up on the sidewalk and hit a porch, causing damage to the home.

The car was now disabled. Deputies attempted to take Threadgill into custody. One of them heard Threadgill yell, “I’m finna shoot,” as he made movements toward his waist. Threadgill and his girlfriend were eventually removed from the car, and Threadgill was taken into custody. A loaded Witness 9mm handgun was recovered from under the driver’s seat. Threadgill’s girlfriend subsequently allowed deputies to search her residence, where they recovered a gun box for a Taurus handgun. The serial number on that box matched the number on the gun recovered from T.D.’s trash can on November 24.

Threadgill was charged in one complaint with six offenses, three for each incident. For the events occurring on November 23, 2020, he was charged with: (1) possession with intent to deliver between one and five grams of cocaine with a dangerous weapon and as a repeat firearm crime;² (2) possession of a firearm by a felon as a repeat firearm crime; and (3) fleeing or eluding an officer. For the events occurring on December 8, 2020, Threadgill was charged with: (4) fleeing or eluding an officer causing property damage; (5) first-degree recklessly endangering safety; and (6) possession of a firearm by a felon as a repeat firearm crime. All six charges also included the habitual criminality penalty enhancer.

Threadgill eventually resolved his case through a plea agreement. Further testing on the cocaine had shown that the total weight actually recovered was less than one gram, so the cocaine charge was amended to misdemeanor simple possession. The first-degree recklessly endangering safety charge, which stemmed from Threadgill’s crash into a porch, was reduced to

² See WIS. STAT. § 939.6195(2): “If a person who is a repeater is convicted of a firearm violation, the court shall impose a bifurcated sentence [T]he term of confinement in prison portion of the bifurcated sentence shall be at least 4 years The court may not place the person on probation.”

second-degree, because Threadgill alleged and a civilian witness reported that law enforcement might have been at least partially responsible for causing the crash. Threadgill pled guilty to those amended charges and the two felon-in-possession charges. The habitual criminality enhancer was dismissed from all four counts, although the firearms charges remained designated as repeat firearm crimes. The two fleeing/eluding counts were dismissed and read in. The State also agreed to limit its sentencing recommendation to a global total of ten years of initial confinement and five years of extended supervision. At sentencing, the circuit court imposed consecutive and concurrent sentences totaling eight years of initial confinement and five years extended supervision.

The first issue discussed in the no-merit report is whether Threadgill's pleas were knowing, intelligent, and voluntary. Our review of the record—including the plea questionnaire/waiver of rights form and addendum and the included jury instructions—confirms that the circuit court complied with its obligations for taking guilty pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. We agree with counsel's analysis and conclusion that any challenge to the validity of Threadgill's pleas would lack arguable merit.

The no-merit report next addresses whether there is any arguably meritorious basis for challenging the circuit court's sentencing discretion. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. Our review of the record confirms that the court appropriately considered relevant sentencing objectives and factors. See *id.*, ¶41; see also *State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The thirteen-year sentence imposed is well within the thirty-one-year range authorized by law, see *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622

N.W.2d 449, and is not so excessive so as to shock the public’s sentiment, *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). There is no arguable merit to challenging the court’s sentencing discretion.

The no-merit report also briefly discusses whether Threadgill could pursue plea withdrawal because the State breached the plea agreement. Under the terms of the agreement, the State was to recommend a global sentence of ten years’ initial confinement and five years’ extended supervision. At sentencing, the State started its recommendation by saying “Well, as the court knows, I’m going to be recommending a total of 10 years in custody and 15 years of extended supervision, which added together is a 15-year prison sentence[.]” At that point, the circuit court interrupted and pointed out what the prosecutor had said. The prosecutor responded by saying, “Oh. Thank you for stopping me. Five years of extended supervision to equal 15. My brain got ahead of my mouth on that one.”

“A criminal defendant has a constitutional right to the enforcement of a negotiated plea agreement.” *State v. Howard*, 2001 WI App 137, ¶13, 246 Wis. 2d 475, 630 N.W.2d 244. But not all breaches of a plea agreement require a remedy. *See id.*, ¶15. A defendant is not entitled to relief if the breach is technical rather than material and substantial. *Id.* A material and substantial breach is one that deprives the defendant “of a material and substantial benefit for which he or she bargained.” *Id.* The circuit court’s awareness of the error in the statement, the State’s immediate correction thereof, and the fact that Threadgill’s sentence is lower than what the State recommended all demonstrate that the prosecutor’s misstatement was merely a technical breach. There is no arguable merit to a claim for plea withdrawal based on a breach of the plea agreement.

In his response to the no-merit report, Threadgill identifies five ways in which he believes trial counsel was ineffective. The two prongs of an ineffective-assistance claim, deficient performance and prejudice, see *State v. Mayo*, 2007 WI 78, ¶60, 301 Wis. 2d 642, 734 N.W.2d 115, are well established, so we need not discuss them in great detail here. If the defendant fails to make a sufficient showing either component, we need not address the other. See *id.*, ¶61.

Claims of ineffective trial counsel must ordinarily be preserved in the circuit court by a postconviction motion before they can be raised on appeal. See *State ex rel. Rothering v. McCaughtry*, 205 Wis. 2d 675, 677-78, 556 N.W.2d 136 (Ct. App. 1996). Nevertheless, a no-merit appeal presents a unique opportunity to discuss such unpreserved issues on direct appeal, see *State ex rel. Panama v. Hepp*, 2008 WI App 146, ¶27, 314 Wis. 2d 112, 758 N.W.2d 806, and appellate counsel’s supplemental report addresses each of Threadgill’s points.

Threadgill first claims trial counsel was ineffective because she “did not make [him] aware” that the video from the Ring doorbell “was never recovered.” If she had, Threadgill says, he “would have gone to trial on at least one charge.” A defendant who seeks to withdraw a plea after sentencing has the burden to prove by clear and convincing evidence that a manifest injustice would result if the withdrawal were not permitted. *State v. Denk*, 2008 WI 130, ¶71, 315 Wis. 2d 5, 758 N.W.2d 775. Ineffective assistance of counsel is an example of manifest injustice. *State v. Taylor*, 2013 WI 34, ¶49, 347 Wis. 2d 30, 829 N.W.2d 482.

However, Threadgill is unable to establish prejudice. Threadgill’s assertion that he “would have gone to trial on at least one charge” implies that he had an option, and the State’s

agreement, to go to trial on some charges while pleading to others. There is no support for such a claim in the record.

Relatedly, Threadgill next asserts that trial counsel was ineffective for failing to file a motion “to suppress hearsay evidence”; specifically, any police report based on “the video that was never recovered.” Assuming without deciding that the police reports themselves would constitute inadmissible hearsay, Threadgill is unable to establish any prejudice. There is no indication that reports would have been used at trial. Moreover, Threadgill had already been identified by police prior to his appearance on the video, and none of the charges are based solely on his appearance in the video. Thus, even if counsel had filed a suppression motion, and even if it had been *granted*, there is no reasonable probability of a different result from suppressing the police reports. See *Mayo*, 301 Wis. 2d 642, ¶3.

Threadgill next asserts that trial counsel was ineffective for failing to file a pretrial motion to dismiss the case. According to Threadgill, officers who rammed his car in the December incident acknowledged to him that they had not activated their lights or sirens. Threadgill explains that as a result, he did not initially know they were law enforcement officers which is why he was uncooperative. The December encounter led to the reckless endangerment charge, which Threadgill says “was actually the fault of law enforcement” and from which Threadgill believes “all his other charges stem,” so Threadgill contends that trial counsel “had an obligation to move to dismiss the entire case[.]”

Threadgill’s actions and resulting charges from November 23 clearly do not stem from events occurring two weeks later. A motion to dismiss the entire case would have been denied,

and counsel is not ineffective for failing to bring a losing motion. See *State v. Swinson*, 2003 WI App 45, ¶59, 261 Wis. 2d 633, 660 N.W.2d 12.

Threadgill next argues that trial counsel was ineffective for not requesting eleven months of sentence credit. Appellate counsel correctly points out that this sentence credit was applied to a revocation sentence, and because the sentences in this case are consecutive to the revocation sentence, Threadgill is not entitled to dual credit in this case. See *State v. Boettcher*, 144 Wis. 2d 86, 96-101, 423 N.W.2d 533 (1988).

Finally, Threadgill argues that trial counsel was ineffective for “failing to correct [the] judge concerning the facts of the case at sentencing.” Criminal defendants have “a due process right to be sentenced only upon materially accurate information.” *State v. Lechner*, 217 Wis. 2d 392, 419, 576 N.W.2d 912 (1998). A due process violation occurs where a sentence relies “on a foundation so extensively and materially false, which the [defendant] had no opportunity to correct.” See *State v. Tiepelman*, 2006 WI 66, ¶10, 291 Wis. 2d 179, 717 N.W.2d 1 (citation omitted).

A defendant who seeks resentencing based on the circuit court’s use of inaccurate information must show that the information was inaccurate and that the circuit court actually relied on the inaccuracy in the sentencing. See *id.*, ¶26. “Whether the circuit court ‘actually relied’ on the incorrect information at sentencing [is] based upon whether the court gave ‘explicit attention’ or ‘specific consideration’ to it, or that the information ‘formed part of the basis for the sentence.’” *Id.*, ¶14 (citation omitted).

Threadgill says that the circuit court told him he was receiving “such a harsh sentence because he pointed a firearm at a child” but “[n]ever did the man knocking on the door draw or

touch the alleged firearm nor was the firearm ever said to have been pointed at anyone at any time.” However, this characterization of the record is inaccurate; the criminal complaint reflects that J.G.H. first told the sheriff’s deputies searching near the hotel that someone had pointed a gun at his child outside their home.

We recognize that J.G.H.’s report to law enforcement may itself have been inaccurate, because the child told police the man only lifted his shirt and displayed the gun in his waistband. However, the full context of the circuit court’s sentencing comments reflect not that it was giving “significant weight” to the claim that Threadgill had pointed a gun at a child but to portions of his criminal record that bear similarities to his actions in this case and in contrast to Threadgill’s claims he did not intend to hurt anyone.

Specifically, the circuit court explained:

I cannot ignore that there have been times and places where you have shown very poor judgment and poor character by doing things that either hurt other people or create a significant risk for hurting other people.

So in terms of your prior record, I am giving some weight to your juvenile delinquency for battery because that’s an incident where you harmed someone

I’m not giving any weight to your juvenile theft delinquency or your retail theft. Those didn’t hurt people in a physical way so I’m not giving weight to those....

Likewise, I’m giving some consideration to a substantial battery conviction Not the lower-level simple battery. A substantial battery. So you hurt someone there.

I’m really not giving weight or consideration to your 2008 resisting an officer. But I am giving some consideration to your 2009 escape of arrest ... [because] a pattern has developed in terms of your either escaping from or fleeing from law enforcement when they’re trying to talk to you or take you into custody.

I'm not gonna give weight to the 2010 disorderly conduct ... or the 2010 resisting as a misdemeanor. But I am giving some significant weight to those convictions in 2012 for false imprisonment, the battery charge. Even though it was a misdemeanor battery, it was another event where you hurt physically someone else. You were convicted of felon in possession of a firearm, so this is not the first time ... that you ignored the law saying that for the rest of your life you may not possess a firearm. You pointed a gun at a person in that case.

And those are the things that I'm giving significant weight to. Because you pointed a gun again in November of 2020 at an 11-year-old child, and then December of 2020, you threatened to shoot when law enforcement was trying to take you into custody.

So while, again, I don't doubt that there are times and places in your life where you show care for other people and good judgment, unfortunately a significant pattern has developed of hurting physically other people, possessing firearms when you can't possess them, and posing significant risk of real bodily harm, injury or maybe even death when we are talking about firearms to others in the community.

....

And while you indicated to me that you never wanted to hurt anyone, when someone carries a weapon and it's loaded and makes a threat to law enforcement that they will shoot or points a gun at a child or leaves a loaded gun discarded in a trash can, whether you want to or not, your conduct is creating risks that other people will get hurt.

Whether Threadgill actually pointed his gun at J.G.H.'s child or simply revealed it under his shirt as a threat to the child does not impact the circuit court's analysis as a whole. Thus, we are satisfied that there is no arguable merit to a claim that the sentence relies on an "extensively and materially false" premise. See *id.*, ¶10 (citation omitted).

Our independent review of the record reveals no other potential issues of arguable merit.

Upon the foregoing, therefore,

IT IS ORDERED that the judgment is summarily affirmed. See WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Olivia Garman is relieved of further representation of Threadgill in this matter. *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