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DISTRICT I

October 13, 2026

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

2024AP1618-CRNM State of Wisconsin v. Domonique Maurice Crayton
(L.C. # 2018CF912)

Before Donald C.J., Colón P.J., and Petrashek, J.

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).

Domonique Maurice Crayton appeals from a judgment of conviction entered after a jury found him guilty of five crimes. His appellate counsel, Attorney Leonard D. Kachinsky, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967) and WIS. STAT. RULE 809.32 (2023-24).¹ In response to a subsequent order of this court, Attorney Kachinsky requested preparation of additional transcripts and, after those transcripts were included in the record, filed a supplemental no-merit report. Crayton did not file a response to either report.

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

Upon consideration of the no-merit reports and following an independent review of the record as required by **Anders**, we conclude that no arguably meritorious basis exists for additional proceedings. Therefore, we summarily affirm. See WIS. STAT. RULE 809.21.

According to the criminal complaint, S.S.W. told police that on February 20, 2018, she was sitting with a friend in a car parked on a Milwaukee street when Crayton and his co-actor, Melody Gray, seized S.S.W. at gunpoint, forced her into Crayton's vehicle, and then beat her because, they said, she was prostituting herself without giving the money to Crayton. S.S.W. said that Crayton next drove her to a garage at a second Milwaukee location, demanded at gunpoint that she perform oral sex on him, and then engaged in penis-to-vagina intercourse with her. Crayton later brought her to a third Milwaukee location, a residence, where she spent the night. The next day, S.S.W. convinced Crayton that he should release her so that she could go to an appointment. Upon escaping from him, she contacted the police, reported the seizure and assaults, and also reported that Crayton had been prostituting her for approximately three years. The complaint further alleged that Crayton was previously convicted of a felony in Wisconsin and that the conviction had not been reversed.

The State subsequently filed an amended complaint that included the foregoing and further alleged that on February 26, 2018, the Milwaukee Fire Department responded to a fire at a Milwaukee residence. Investigators found a can of gasoline in the basement stairwell and observed a burn pattern in the building consistent with the pouring of an ignitable liquid. The building's tenant, G.M., later spoke with a detective. G.M. said that she had been out of town when the fire started and that Crayton, who was her boyfriend's brother, was the only other person with a key to the residence. G.M. went on to tell the detective about an argument with Crayton and Gray a few days earlier after they brought "a strange girl" to the residence. A

second detective examined surveillance video recorded near the residence on February 26, 2018, and determined that the video showed two subjects entering the residence, one carrying a gas can. When the subjects left the residence, smoke could be seen coming from the building.

The State charged Crayton with five crimes arising out of the foregoing allegations: kidnapping as a party to a crime; human trafficking; second degree sexual assault; possession of a firearm while a felon; and arson of a building as a party to a crime. The matters proceeded to trial, and a jury found Crayton guilty as charged. At sentencing, the circuit court imposed an aggregate 87-year term of imprisonment bifurcated as 60 years of initial confinement and 27 years of extended supervision.² The circuit court ordered Crayton to pay \$4,585 to G.M. as restitution and granted him 1,860 days of sentence credit. Shortly after sentencing, the circuit court amended the award of sentence credit to 1,772 days in response to a letter from the DOC.

Following an inquiry from this court, appellate counsel pursued a claim for additional sentence credit. The circuit court subsequently modified the sentence credit award to 1,845 days.

² For the kidnapping conviction, Crayton faced a maximum penalty of 40 years of imprisonment and a \$100,000 fine. *See* WIS. STAT. §§ 940.31(1)(a), 939.50(3)(c) (2017-18). The circuit court imposed 15 years of initial confinement and 5 years of extended supervision. For the human trafficking conviction, Crayton faced a maximum penalty of 25 years of imprisonment and a \$100,000 fine. *See* WIS. STAT. §§ 940.302(2)(a), 939.50(3)(d) (2017-18). The circuit court imposed ten years of initial confinement and seven years of extended supervision. For the second-degree sexual assault conviction, Crayton faced a maximum penalty of 40 years of imprisonment and a \$100,000 fine. *See* WIS. STAT. §§ 940.225(2)(a), 939.50(3)(c) (2017-18). The circuit court imposed 20 years of initial confinement and 10 years of extended supervision. For possessing a firearm while a felon, Crayton faced a maximum penalty of 10 years of imprisonment and a \$25,000 fine. *See* WIS. STAT. §§ 941.29(1m)(a), 939.50(3)(g) (2017-18). The circuit court imposed an evenly bifurcated six-year term of imprisonment. For the arson conviction, Crayton faced 40 years of imprisonment and a \$100,000 fine. *See* WIS. STAT. §§ 943.02(1)(a), 939.50(3)(c) (2017-18). The circuit court imposed 15 years of initial confinement and 5 years of extended supervision. The circuit court ordered Crayton to serve the firearm sentence concurrently with any other sentence and ordered that he serve the other four sentences consecutively.

In the no-merit report, appellate counsel first considers whether Crayton could pursue an arguably meritorious challenge to either of the circuit court’s determinations that he was competent to proceed. “No person who lacks substantial mental capacity to understand the proceedings or assist in his or her defense may be tried, convicted, or sentenced for the commission of an offense so long as the incapacity endures.” *State v. Byrge*, 2000 WI 101, ¶28, 237 Wis. 2d 197, 614 N.W.2d 477 (citation omitted). Crayton was frequently disruptive during the courtroom proceedings, voicing repetitive but often unspecified objections, making references to the Uniform Commercial Code (UCC) and other irrelevant federal statutes, questioning the presiding judges about their authority, and demanding money. A circuit court first ordered a competency evaluation in July 2020, after concluding that Crayton’s assertions were “completely nonresponsive” to the court’s inquiries regarding whether he wanted to represent himself. The examining psychologist determined that Crayton was aware of the specific charges against him, was familiar with the roles of the judge and the attorneys, could identify choices available to him for resolving the case, and displayed a desire to resolve his case in a “legally self-serving fashion.” The psychologist concluded that Crayton was competent. No party contested that conclusion, and the circuit court found him competent to proceed.

In October 2022, again based on Crayton’s repeated nonresponsive remarks, a successor circuit court ordered a competency evaluation. A second examining psychologist found Crayton “goal directed” and “organized” and “did not find any evidence of mental impairment affecting [his] understanding of his legal circumstances.” The psychologist opined that Crayton did not lack substantial capacity to understand court proceedings or to assist in his own defense if he chose to do so. The circuit court found Crayton competent, again without objection from any party.

To determine legal competency, the circuit court considers a defendant's present mental capacity to understand and assist at the time of the proceedings. *Byrge*, 237 Wis. 2d 197, ¶¶30-31. A circuit court's competency determination should be reversed only when clearly erroneous. *Id.*, ¶46. In light of the psychologists' reports and the standard of review, any further proceedings in regard to Crayton's competency would lack arguable merit.

We next consider whether Crayton could pursue an arguably meritorious challenge to the circuit court's decision, pursuant to WIS. STAT. § 907.02, and *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993), granting the State's motion to admit expert testimony about human trafficking. "We review the admission of expert testimony for an erroneous exercise of discretion," and therefore, "we will not reverse the [circuit] court's decision 'if it has a rational basis and was made in accordance with accepted legal standards in view of the facts in the record.'" *State v. Smith*, 2016 WI App 8, ¶4, 366 Wis. 2d 613, 874 N.W.2d 610 (citation omitted). At the *Daubert* hearing, the State's proposed expert, Milwaukee Police Officer Gerardo Orozco, testified about his extensive professional training, observations, education, and experience in the area of human trafficking. The circuit court found that he was qualified to give expert testimony about human trafficking. In light of the testimony presented at the *Daubert* hearing and the standard of review, a challenge to the admission of the expert's testimony would lack arguable merit.

We next consider whether Crayton could pursue an arguably meritorious claim that he was denied the constitutional right to a speedy trial. Wisconsin courts analyze a speedy trial claim pursuant to the four-factor balancing test developed in *Barker v. Wingo*, 407 U.S. 514, 530 (1972). *State v. Ramirez*, 2025 WI 28, ¶30, 416 Wis. 2d 641, 22 N.W.3d 821. The factors that must be balanced are: (1) the length of the delay; (2) the reason for the delay; (3) the defendant's

assertion or failure to assert the speedy trial right; and (4) prejudice to the defendant. **Barker**, 407 U.S. at 530. “Like any balancing test, it requires the court to consider the totality of circumstances particular to the case.” **Ramirez**, 416 Wis. 2d 641, ¶30.

The first factor of the balancing test, length of delay, exceeds a year in this case: Crayton was arrested in connection with this matter on March 5, 2018, and trial began a little more than five years later, on March 20, 2023. This period of delay triggers consideration of the remaining factors. See **id.**, ¶¶31-32. The second factor requires an examination of whether the State or the defendant is more to blame for the delay **Id.**, ¶39. The record here shows that Crayton impeded the progress of the case by his lack of cooperation with a series of three attorneys and his disruption of the courtroom proceedings with continuous and frequently nonsensical questions, comments, and demands. His behavior twice required the circuit court to suspend the proceedings to explore his competency, both times resulting in an assessment that Crayton was competent and was proceeding in a goal-directed way. His courtroom conduct also led to circuit court findings that he was engaged in a “strategy to delay his trial,” and was “calculating to disrupt.” While the State requested several delays based on witness unavailability, the prosecutor’s family emergency and medical needs, and a problem in obtaining discovery, only the discovery problem weighs against the State, see **id.**, ¶¶40-41, and the record reflects that the problem was quickly resolved. Accordingly, we agree with appellate counsel that Crayton was responsible for the bulk of the delay in this case.

Regarding the third factor, Crayton never demanded a speedy trial. That circumstance normally weighs against a defendant, **id.**, ¶49, and weighs heavily here because the circuit court found that Crayton was deliberately causing delay, see **State v. Coleman**, 2025 WI App 7, ¶¶66-67, 415 Wis. 2d 71, 17 N.W.3d 307. As to the fourth factor, a court assesses prejudice by

considering “oppressive pretrial incarceration, anxiety and concern, and the possibility the defense will be impaired.” *Ramirez*, 416 Wis. 2d 641, ¶51. The record here does not provide arguable support for any of those considerations. Crayton told a psychologist in 2022 that he was “sleeping well” and did not have any mental health needs. He did not complain to the circuit court about anxiety or distress. His defense was unaffected by the delay: he represented himself at trial, elected not to offer any evidence, and declined to question any witnesses.

In the absence of prejudice, and where the record shows that Crayton did not want a prompt disposition but instead sought delay, he cannot make an arguably meritorious claim that he was denied the right to a speedy trial. See *Barker*, 407 U.S. at 536. Further pursuit of this issue would be frivolous within the meaning of *Anders*.

We next consider whether Crayton could raise an arguably meritorious claim that the circuit court erred by permitting Crayton’s third and final attorney to withdraw. We agree with appellate counsel that any such claim would lack arguable merit because Crayton forfeited the right to counsel.

Forfeiture of the right to counsel arises when a defendant’s actions frustrate the “orderly and efficient progression of the case[.]” *State v. Suriano*, 2017 WI 42, ¶24, 374 Wis. 2d 683, 893 N.W.2d 543 (citation omitted). In *Suriano*, our supreme court stated:

Scenarios triggering forfeiture include: (1) a defendant’s manipulative and disruptive behavior; (2) withdrawal of multiple attorneys based on a defendant’s consistent refusal to cooperate with any of them and constant complaints about the attorneys’ performance; (3) a defendant whose attitude is defiant and whose choices repeatedly result in delay, interfering with the process of justice[;] ... and (4) physical or verbal abuse directed at counsel or the court.

Id. (citations omitted). A forfeiture of the right to counsel “occurs by operation of law without the need to ensure a defendant knows he is losing [the] right and regardless of whether he intends to do so.” *Id.*, ¶33.

The circuit court permitted Crayton’s first appointed counsel to withdraw in light of counsel’s disclosure that Crayton had “taken action” against the lawyer. Crayton’s second appointed counsel moved to withdraw within weeks of the appointment, explaining that Crayton had asked counsel to withdraw at their first meeting. After the circuit court granted the motion, Crayton said that he did not want another appointed lawyer and did not need representation from “an agent of the state” or “a foreign entity.” The circuit court then attempted a colloquy with Crayton regarding his apparent wish to represent himself. See *State v. Klessig*, 211 Wis. 2d 194, 206, 564 N.W.2d 716 (1997) (describing the colloquy required to determine whether a criminal defendant voluntarily waives the right to counsel). Crayton did not answer the court’s questions and instead sought to interrogate the judge regarding a judicial oath and proceedings under “Article 3 Commonwealth.” The circuit court did not complete the *Klessig* colloquy, and the state public defender appointed a third lawyer, Attorney Kerri Cleghorn, to represent Crayton.

Crayton told the circuit court at his first appearance with Attorney Cleghorn that he wanted her to serve only as standby counsel, and he stated at the next appearance that he did not want her involved in the case at all. Attorney Cleghorn herself repeatedly sought to withdraw on the grounds that Crayton would not cooperate with her and did not want her as his attorney. The circuit court eventually permitted her to withdraw following a motion hearing at which Crayton asserted “common law copyright or property,” demanded millions of dollars, and prevented anyone else from talking by repeating the word “objection” until he was removed from the courtroom. The circuit court found that it had presided over six hearings in the case and that on

every occasion Crayton had been removed from the courtroom within minutes “based on his continuous interruptions and refusal to allow others to speak.” The circuit court then appointed Attorney Cleghorn as standby counsel, stating that the appointment would assist the court. *See State v. Campbell*, 2006 WI 99, ¶64, 294 Wis. 2d 100, 718 N.W.2d 649. She continued in the role of standby counsel throughout the remainder of the circuit court proceedings.

We conclude that, by operation of law, Crayton forfeited his right to counsel by refusing to cooperate with any attorney appointed for him and by his efforts to disrupt and delay the proceedings, including the proceedings to address the issue of his representation. *See Suriano*, 374 Wis. 2d 683, ¶¶24, 32-33. Accordingly, he has no arguably meritorious grounds to claim that the circuit court erred by permitting his third attorney to withdraw and appointing her as standby counsel instead.

We next consider whether Crayton could pursue an arguably meritorious claim that he received ineffective assistance from any of the three trial attorneys appointed to represent him. To prove ineffective assistance of counsel, a convicted person must show both that counsel’s performance was deficient and that the deficiency prejudiced the defense. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). Our review of the record does not reveal any basis on which Crayton could allege that any of the three attorneys performed deficiently while representing him. Moreover, the case proceeded to trial more than nine months after the last of Crayton’s three attorneys was permitted to withdraw. Crayton thus had ample time to raise and litigate any claim that he thought necessary to correct perceived errors or omissions of counsel. We therefore see no arguably meritorious basis for a claim that he was prejudiced by any such perceived errors or omissions.

Crayton also cannot raise an arguably meritorious claim that his standby-counsel was ineffective. There is no constitutional right to standby counsel. See *State v. Cummings*, 199 Wis. 2d 721, 753 n.15, 546 N.W.2d 406 (1996); see also *United States v. Vizcarra-Millan*, 15 F.4th 473, 488 (7th Cir. 2021). Because Crayton did not have a right to standby counsel, he did not have a right to effective assistance of standby counsel. See *Coleman v. Thompson*, 501 U.S. 722, 752 (1991) (explaining that where there is no constitutional right to counsel, there can be no deprivation of effective assistance of counsel); see also *Simpson v. Battaglia*, 458 F.3d 585, 597 (7th Cir. 2006).

Appellate counsel discusses the various pretrial motions that Crayton filed on his own behalf, including challenges to the circuit court’s jurisdiction, challenges related to property rights and the UCC, and a motion to dismiss “for violations of the maxims of equity.” We agree with appellate counsel’s conclusion that Crayton’s motions did not raise legally cognizable claims and that further pursuit of these matters would lack arguable merit.

We next consider whether the evidence at Crayton’s jury trial was sufficient to support his convictions. When reviewing the sufficiency of the evidence, we may not substitute our judgment for that of the jury “unless the evidence, viewed most favorably to the [S]tate and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Our review satisfies us that the State produced ample evidence to convict Crayton of the five charges that he faced.

S.S.W. testified and described how Crayton advertised her services as an escort, brought her to hotels where she had sex with men for money, seized and transported her against her will,

and sexually assaulted her at gunpoint. Crayton’s accomplice, Gray, described her role in the offenses against S.S.W. Gray further testified that a few days after those offenses, she and Crayton went to the home where they had stayed and set it on fire because Crayton wanted to “g[e]t rid of any trace of us.” Officer Orozco testified about the methods used by human traffickers. Additional law enforcement officers as well as forensic analysts testified about the evidence collected and examined during the investigations of S.S.W.’s allegations and the fire at G.M.’s home. An investigator and former police officer authenticated a certified judgment of conviction showing that Crayton was a convicted felon, and the investigator testified that the felony conviction remained unreversed. A challenge to the sufficiency of the evidence supporting the convictions would lack arguable merit.

Appellate counsel considers whether Crayton could pursue an arguably meritorious claim for relief based on errors that occurred during the trial. We agree with appellate counsel that Crayton could not do so. The circuit court found, and the record shows, that Crayton elected not to participate in the trial.³ He therefore did not preserve any claims of trial error for appellate review. See **State v. Rogers**, 196 Wis. 2d 817, 828-29, 539 N.W.2d 897 (Ct. App. 1995).

Next, we agree with appellate counsel that Crayton could not pursue an arguably meritorious challenge to the circuit court’s exercise of sentencing discretion. See **State v. Gallion**, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. The court indicated that punishment was the primary sentencing goal and discussed the factors that it viewed as relevant

³ The record reflects that Crayton was brought to the courtroom for the start of each day of trial. On each occasion, he interrupted the court with nonsensical and irrelevant questions and statements, made repeated assertions regarding a “consensual contract,” and demanded to be paid. He was eventually taken out of the courtroom during each day’s proceedings following what was recorded as “continuous loud, inaudible outbursts.”

to achieving that goal. See *id.*, ¶¶41-43. The court’s discussion included the mandatory sentencing factors of “the gravity of the offense[s], the character of the defendant, and the need to protect the public.” See *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The aggregate 87-year term of imprisonment imposed was far less than the aggregate 155 years of imprisonment and \$335,000 in fines that Crayton faced upon conviction. Crayton therefore cannot mount an arguably meritorious claim that his sentences were excessive or shocking. See *State v. Mursal*, 2013 WI App 125, ¶26, 351 Wis. 2d 180, 839 N.W.2d 173. We conclude that a challenge to the circuit court’s exercise of sentencing discretion would be frivolous within the meaning of *Anders*.

Appellate counsel does not consider whether Crayton could pursue an arguably meritorious challenge to the circuit court’s order that he pay restitution to G.M. in the amount of \$4,585. We conclude that Crayton could not do so. The State filed a written restitution request before sentencing, and the prosecutor further explained the basis for the request at the sentencing hearing. Crayton did not object to the restitution request, thus stipulating to the requested amount.⁴ See *State v. Leighton*, 2000 WI App 156, ¶¶55-56, 237 Wis. 2d 709, 616 N.W.2d 126; Wis. STAT. § 973.20(13)(c). A challenge to the restitution order therefore would be frivolous

⁴ Crayton was present in the courtroom at the start of the sentencing proceeding. He began objecting when the case was called and, as during the trial, he repeatedly asked the circuit court if it was “executing the consensual contract.” He continued objecting on this basis when the circuit court turned to the issue of restitution, and he interrupted the State’s presentation of the restitution request with stated “objections” referencing a contract. After the circuit court ordered restitution in the requested amount, Crayton, as in prior proceedings, asserted that the court was “executing a consensual contract” and therefore he “demand[ed] to be paid.” This court concludes that Crayton could not pursue an arguably meritorious claim that his “objections” were directed at the restitution request. See *State v. Jones*, 2002 WI App 196, ¶24, 257 Wis. 2d 319, 651 N.W.2d 305 (holding that to preserve an issue for appeal, a litigant must raise the issue in way that “meaningfully suggest[s]” the basis for the claim and alerts the circuit court that it is asked to rule on that basis).

within the meaning of **Anders**. See **State v. Scherreiks**, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989).

Last, we consider whether Crayton could pursue an arguably meritorious claim for additional sentence credit. The record and supplemental no-merit report show that Crayton received credit against his sentences for each day that he spent in custody in connection with this case, from his arrest on March 5, 2018, until his sentencing on March 24, 2023. See WIS. STAT. § 973.155; **State v. Kontny**, 2020 WI App 30, ¶2, 392 Wis. 2d 311, 943 N.W.2d 923. Further pursuit of this issue would be frivolous within the meaning of **Anders**.

Our independent review of the record does not disclose any other potential issues warranting discussion. We conclude that further postconviction or appellate proceedings would be wholly frivolous within the meaning of **Anders** and WIS. STAT. RULE 809.32.

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

IT IS FURTHER ORDERED that Attorney Leonard D. Kachinsky is relieved of any further representation of Domonique Maurice Crayton. 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