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February 9, 2021

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

2020AP930-CRNM	State of Wisconsin v. Victor L. Adams, Jr. (L.C. # 2017CF3737)
2020AP931-CRNM	State of Wisconsin v. Victor L. Adams, Jr. (L.C. # 2018CF1347)
2020AP932-CRNM	State of Wisconsin v. Victor L. Adams, Jr. (L.C. # 2018CF1926)

Before Brash, P.J., Donald and White, 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).

Victor L. Adams, Jr., appeals judgments convicting him of one count of first-degree recklessly endangering safety, with use of a dangerous weapon, one count of intimidating a witness, and one count of intimidating a victim by threat of force. Appellate counsel, Attorney Leon W. Todd, filed a no-merit report pursuant to ***Anders v. California***, 386 U.S. 738 (1967), and

WIS. STAT. RULE 809.32 (2017-18).[1] Adams filed a response. After considering the no-merit report and his response, and after conducting an independent review of the record as mandated by ***Anders***, we conclude that no arguably meritorious issues exist for an appeal. Therefore, we summarily affirm. *See* WIS. STAT. RULE 809.21.

We first consider whether there would be arguable merit to a claim that Adams' guilty pleas were not knowing, intelligent, and voluntary. The circuit court conducted a plea colloquy with Adams that fully complied with the circuit court's obligations under WIS. STAT. § 971.08 and ***State v. Bangert***, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). The circuit court also established at the plea hearing that Adams had signed a guilty plea questionnaire and waiver of rights form and that he understood its contents. *See* ***State v. Pegeese***, 2019 WI 60, ¶¶36-37, 387 Wis. 2d 119, 928 N.W.2d 590. Adams argues in his response that he did not understand the constitutional rights he was giving up by entering his pleas, but he does not explain which rights he did not understand. He also does not provide any details about what he found confusing and why his confusion caused him to plead guilty. Because the circuit court reviewed the constitutional rights Adams was waiving with him during that plea colloquy, we conclude that further pursuit of this issue would be frivolous within the meaning of ***Anders***. There would be no arguable merit to a claim that Adams' guilty pleas were not knowingly, intelligently and voluntarily entered.

The no-merit report and Adams' response both address whether Adams could pursue an arguably meritorious challenge to the circuit court's decision to deny his motion to withdraw his pleas prior to sentencing. Adams argues that he should have been allowed to withdraw his pleas

[1] All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

because he received a letter from his sister as his trial was starting asking him to accept the plea agreement. Adams contends that his sister's letter had a dramatic impact on his train of thought, causing him to decide not to proceed with the trial, because his visitation and telephone privileges had been restricted at the jail so he had not spoken with his family for a long period of time.

Before sentencing, a defendant should be allowed to withdraw a guilty plea for any fair and just reason, which means an adequate reason beyond the defendant simply changing his mind. *See* ***State v. Jenkins***, 2007 WI 96, ¶32, 303 Wis. 2d 157, 736 N.W.2d 24. The circuit court properly denied Adams' motion to withdraw his pleas because Adams said that he decided to enter his pleas when he got his sister's letter and then later regretted doing so—that is, he simply changed his mind. This reason is insufficient as a matter of law. *See* ***id.*** There would be no arguable merit to a challenge to the circuit court's decision denying Adams' motion to withdraw his pleas before sentencing.

The no-merit report and Adams' response next address whether Adams could 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 circuit court imposed eight years of initial confinement and five years of extended supervision for first-degree recklessly endangering safety, two years of initial confinement and one year of extended supervision for intimidating a witness, and one year of initial confinement and one year of extended supervision for intimidating a victim, all to be served consecutively to each other and any other sentence Adams was serving. The circuit court considered the proper sentencing objectives and discussed the sentencing factors pertinent to this case that it viewed as relevant to achieving those goals. *See*

id., ¶¶41-43. There would be no arguable merit to a claim that the sentencing court misused its discretion.

Adams contends in his response to the no-merit report that the sentence was an abuse of power. This argument is meritless. The sentence was well within the limits of the maximum sentences allowed by law for the crimes and was not unduly harsh because Adams repeatedly terrorized the victim and threatened to kill her and her family if she would not comply with his demands, inflicting profound psychological harm. *See* ***State v. Grindemann***, 2002 WI App 106, ¶¶31-32, 255 Wis. 2d 632, 648 N.W.2d 507. Adams also argues in his response that the sentence is unfair because he did not commit the shooting that formed the basis for the first-degree recklessly endangering safety charge. This argument has no merit because Adams admitted to the shooting during the plea colloquy. 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 judgments of conviction are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Leon W. Todd is relieved of any further representation of Victor L. Adams, Jr. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals