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**DISTRICT I**

September 6, 2023

To:

Hon. Michelle Ackerman Havas  
Circuit Court Judge  
Electronic Notice

Pamela Moorshead  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Monique Anntoinnette Agnew  
C/O Hope City Church  
2240 W. National Avenue  
Milwaukee, WI 53215

Paul C. Dedinsky  
Electronic Notice

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

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2023AP23-CRNM	State of Wisconsin v. Monique Anntoinnette Agnew (L.C. # 2021CM237)
2023AP24-CRNM	State of Wisconsin v. Monique Anntoinnette Agnew (L.C. # 2021CM727)
2023AP25-CRNM	State of Wisconsin v. Monique Anntoinnette Agnew (L.C. # 2021CM1673)

Before Donald, P.J.<sup>1</sup>

**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).**

In these consolidated appeals, Monique Anntoinnette Agnew appeals from judgments, entered after a bench trial, convicting her of five misdemeanors: three counts of violating an individual-at-risk restraining order/injunction and two counts of bail jumping, with the domestic

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

abuse assessment applied to each of the charges. Appellate counsel, Pamela Moorshead, filed a no-merit report, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. Agnew was advised of her right to file a response and elected not to do so. Following a preliminary review of the record, this court directed counsel to file a supplemental no-merit report addressing three of the domestic abuse assessments that were imposed. Upon consideration of the no-merit report, the supplemental no-merit report, and an independent review of the records, this court concludes that the judgments may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

**Milwaukee County Circuit Court Case No. 2021CM237**

The State charged Agnew with one count of violating an injunction as to an individual at risk, with the domestic abuse assessment. The complaint alleged that the court had previously issued an individual-at-risk injunction against Agnew. As a condition of the injunction, Agnew was ordered to avoid contacting T.G. or his residence. The injunction and its conditions were in effect on January 22, 2021. On that date, officers responded to T.G.'s home and found Agnew inside the residence with him.

**Milwaukee County Circuit Court Case No. 2021CM727**

In this case, the State charged Agnew with one count of violating an injunction as to an individual at risk, with the domestic abuse assessment, and one count of misdemeanor bail jumping, with the domestic abuse assessment. The complaint alleged that the court had previously issued an individual-at-risk injunction against Agnew. As a condition of the

injunction, Agnew was ordered to avoid contacting T.G. or his residence. The complaint further alleged that on March 4, 2021, during her initial appearance in Case No. 2021CM237, the circuit court ordered that as a condition of Agnew's release, she have no contact with T.G. or his residence. Later that same month, officers responded to T.G.'s home and found Agnew inside the residence. Agnew told the officers that T.G. was not home but that he was her husband and she lived with him. Agnew said she was aware of the injunction that was in place but thought it had been removed.

### **Milwaukee County Circuit Court Case No. 2021CM1673**

In this case, the State again charged Agnew with one count of violating an injunction as to an individual at risk, with the domestic abuse assessment, and one count of misdemeanor bail jumping, with the domestic abuse assessment. The complaint alleged that the court had previously issued an individual-at-risk injunction against Agnew. As a condition of the injunction, Agnew was ordered to avoid contacting T.G. or his residence. The complaint further alleged that on March 4, 2021, during her initial appearance in Case No. 2021CM237, the circuit court ordered that as a condition of Agnew's release, she have no contact with T.G. or his residence. In June of 2021, officers responded to T.G.'s home and found Agnew inside the residence. Agnew said that T.G., her husband, was not at home but was on his way there. The officer informed Agnew that she had an outstanding bench warrant for her arrest after not appearing in court in Case No. 2021CM237. Agnew told the officer that she called the court and had the warrant resolved. The police then took her into custody.

The cases proceeded to a bench trial where the trial court convicted Agnew on all counts. At a combined sentencing hearing, the trial court imposed the following sentences: in Case

No. 2021CM237, six months in jail; in Case No. 2021CM727, two nine-month jail terms concurrent to each other but consecutive to the sentences in the other cases; and in Case No. 2021CM1673, two nine-month jail terms concurrent to each other but consecutive to the sentences in the other cases.

The no-merit report addresses whether any nonfrivolous claims arise from pretrial proceedings or during trial, the sufficiency of the evidence to support the convictions, and the trial court's exercise of its sentencing discretion. Counsel explains, and this court agrees, that any issues related to the allegations that formed the basis for the injunction are not properly before the court in these appeals. To pursue such claims, Agnew should have appealed the order imposing the individual-at-risk injunction. In terms of violating the injunction, here, the State only had to prove that an injunction was issued against Agnew, she committed an act that violated its terms, and Agnew knew the injunction had been issued and knew that her acts violated its terms. *See* WIS JI—CRIMINAL 2040. This court is satisfied that the no-merit report properly analyzes the above issues as being without arguable merit and will not discuss them further.

This court asked counsel to file a supplemental no-merit report addressing whether domestic abuse assessments were imposed against Agnew for the three counts of violating an individual-at-risk restraining order/injunction. *See* WIS. STAT. § 813.123(10). We noted that a conviction for a violation of § 813.123 is not included in the list of crimes for which the domestic abuse assessment applies. *See* WIS. STAT. § 973.055(1)(a). In response to the order, counsel advises that she “wrote to the circuit court explaining the error and requesting the modification of the judgments of conviction to remove the improper domestic abuse

assessments.” The circuit court granted counsel’s request, and she submitted a copy of the order to this effect.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgments, and discharges appellate counsel of the obligation to represent Agnew further in these appeals.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Pamela Moorshead is relieved from further representing Monique Anntoinnette Agnew in these matters. *See* WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*