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**DISTRICT III**

September 12, 2023

To:

Hon. Tammy Jo Hock  
Circuit Court Judge  
Electronic Notice

Daniel Goggin II  
Electronic Notice

John VanderLeest  
Clerk of Circuit Court  
Brown County Courthouse  
Electronic Notice

Duane Eddie Williams 222214  
Dodge Correctional Inst.  
P.O. Box 700  
Waupun, WI 53963-0700

Winn S. Collins  
Electronic Notice

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

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2021AP1191-CRNM      State of Wisconsin v. Duane Eddie Williams  
(L. C. No. 2018CF1811)

Before Stark, P.J., Hruz and Gill, JJ.

Counsel for Duane Williams has filed a no-merit report concluding that no grounds exist to challenge Williams' conviction for issuing worthless checks in an amount greater than \$2,500, contrary to WIS. STAT. § 943.24(2) (2021-22).<sup>1</sup> Williams was informed of his right to file a response to the no-merit report, and he has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. See WIS. STAT. RULE 809.21.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

The State charged Williams with one count of issuing worthless checks in an amount greater than \$2,500, and one count of issuing a worthless check in an amount less than \$2,500—both counts as a repeater. The charges arose from allegations that on three occasions over the course of one week, Williams issued checks to Advance Auto Parts that totaled more than \$2,600. According to the complaint, Williams also issued a check for more than \$400 to ATI Color Inc. Neither store received payment for the goods received by Williams, as Williams’ bank account had insufficient funds.

After Williams was bound over for trial, he moved to dismiss the complaint “for failure to show probable cause” and “lack of evidence.” Williams also moved for a substitution of the circuit court judge. Both motions were denied.

In exchange for his no-contest plea to issuing a worthless check in an amount greater than \$2,500, the State agreed to remove the repeater allegation and to recommend that the circuit court dismiss and read in the remaining count. The State also agreed not to bring charges on other similar crimes it was investigating and to join in defense counsel’s recommendation for a three-year sentence consisting of eighteen months of initial confinement followed by eighteen months of extended supervision. The court imposed a sentence consistent with the joint recommendation.

The no-merit report addresses whether the circuit court properly denied Williams’ motions to dismiss the complaint and substitute the judge; whether Williams knowingly, intelligently, and voluntarily entered his no-contest plea; and whether the court properly exercised its sentencing discretion. Upon reviewing the record, we agree with counsel’s description, analysis, and conclusion that none of these issues has arguable merit. With

particular respect to the sentence, we note that where, as here, a defendant affirmatively joins or approves a sentence recommendation, the defendant cannot attack the sentence on appeal. *See State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989). Ultimately, the no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further. Our independent review of the record discloses no other potential issue for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Daniel R. Goggin II is relieved of his obligation to further represent Duane Williams in this matter. *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*