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DISTRICT I

December 23, 2024

To:

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Circuit Court Judge
Electronic Notice

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

2023AP1662-CRNM State of Wisconsin v. Ronald Lavell Williams
(L.C. # 2021CF5314)

Before White, C.J., Donald, P.J., and Geenen, 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).

Ronald Lavell Williams appeals from a judgment, entered on his guilty plea, convicting him on one count of knowingly receiving compensation from the earnings of a prostitute, contrary to WIS. STAT. § 940.302(2)(c) (2019-20).[1] Appellate counsel, Leonard D. Kachinsky, has filed a no-merit report, pursuant to ***Anders v. California***, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. Williams was advised of his right to file a response, but he has not responded. Upon this court's independent review of the record, as mandated by ***Anders***, and

[1] All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

counsel's report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment.

In December 2019, police interviewed twenty-six-year-old A.M.H., who "disclosed that she had been trafficked" by Williams from May 2019 to November 2019. She said that she had known of Williams for about three years through social media, but they were not that close. Prior to this time, A.M.H. had been "posting herself and conducting prostitution dates." In May 2019, Williams "reached out" to A.M.H., and she "agreed to meet him and 'go with him.'" He picked her up and took her to his mother's house. The next day, A.M.H. started "working for" Williams. She said "it was understood that he would get everything" with respect to the proceeds of her prostitution dates and she had to "turn over everything" to him. If A.M.H. then needed personal items or to book a hotel room, Williams would provide her with cash to do so. A.M.H. also claimed that Williams was often violent with her; that he would often deny her access to things she needed, like money; that he sometimes withheld food from her if she did not earn enough money; and that on one occasion when he got upset, Williams "took all her electronics away" for two days.

Williams was charged with one count of human trafficking and one count of benefiting from human trafficking, contrary to WIS. STAT. § 940.302(2)(a) and (b) (2019-20). He ultimately agreed to resolve this case with a plea. In exchange for a guilty plea, the State agreed to file an amended information with a single reduced charge and to "leave the sentence up to the court." The circuit court conducted a colloquy and accepted Williams' plea to one count of receiving

compensation from the earnings of a prostitute, contrary to § 940.302(2)(c).[2] The circuit court later sentenced Williams to thirty-six months of initial confinement and thirty-six months of extended supervision. Williams appeals.

The first issue discussed in the no-merit report is whether Williams "waived any non-jurisdictional issues" with his guilty plea. Counsel correctly notes that a valid guilty plea waives all nonjurisdictional defects and defenses, *see* ***State v. Kelty***, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886, with a statutory exception for orders denying motions to suppress evidence, *see* WIS. STAT. § 971.31(10). We agree with appellate counsel's assessment that there is no arguably meritorious basis on which Williams could have sought to suppress evidence and that any other nonjurisdictional challenges that might exist are waived by the plea.

The second issue discussed in the no-merit report is whether Williams' plea was knowing, intelligent, and voluntary. Only a knowing, intelligent, and voluntary plea is constitutionally valid. ***State v. Bangert***, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). To help ensure the validity of a defendant's plea, a number of requirements have been established. *See, e.g.*, WIS. STAT. § 971.08; ***State v. Brown***, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906 (listing circuit court duties). Our review of the record confirms that the circuit court complied with its obligations for taking guilty pleas, pursuant to § 971.08, ***Bangert***, and ***Brown***. The no-merit report appropriately analyzes this issue, and we agree with appellate counsel's conclusion that there is no arguable merit to a claim that Williams' plea was anything other than knowing, intelligent, and voluntary.

[2] "Whoever knowingly receives compensation from the earnings of debt bondage, a prostitute, or a commercial sex act … is guilty of a Class F felony." WIS. STAT. § 940.032(2)(c) (2019-20).

The final issue discussed in the no-merit report is whether the circuit court erroneously exercised its sentencing discretion. *See* ***State v. Gallion***, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. At sentencing, a court must consider the principal objectives of sentencing, including the protection of the community, the punishment and rehabilitation of the defendant, and deterrence to others, ***State v. Ziegler***, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76, and determine which objective or objectives are of greatest importance, *see* ***Gallion***, 270 Wis. 2d 535, ¶41. In seeking to fulfill those objectives, the court should consider several primary factors, which include the gravity of the offense, the character of the offender, and the protection of the public. *See* ***State v. Odom***, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695. The weight to be given to each factor is committed to the circuit court's discretion. *See* ***id.***

Our review of the record confirms that the circuit court appropriately considered relevant sentencing objectives and factors. The six-year sentence imposed is well within the twelve and one-half 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).

In the no-merit report, counsel notes that Williams complained "after the sentence was imposed" and in correspondence with counsel that the circuit court's treatment of A.M.H. "as a victim [was] an improper factor at sentencing." At sentencing, for instance, Williams lamented, "So I've gotta do three straight years because a girl gave me some money. I didn't force her to do that…. There was no human trafficking involved." He also argued that "[r]eceiving compensation is not trafficking."

For purposes of WIS. STAT. § 940.302, "'[t]rafficking' means recruiting, enticing, harboring, transporting, providing, or obtaining, or attempting to recruit, entice, harbor, transport, provide, or obtain, an individual." Sec. 940.302(1)(d). Williams' objection to his sentence appears premised on his belief that because A.M.H. had been engaged in prostitution prior to meeting Williams, he had not recruited her to become a prostitute or otherwise trafficked her.

It is true that "trafficking," as that term is defined in WIS. STAT. § 940.302(1)(d), is not an element of Williams' specific crime of conviction, but the crime of knowingly receiving compensation from the earnings of a prostitute, contrary to § 940.302(2)(c), is nevertheless within a statutory section entitled "Human trafficking" which is why that description shows up in various labels for the crime. Further, although Williams may not view A.M.H. as a victim because he believes he did not coerce her into committing acts of prostitution or giving him money, she is at least an indirect victim of his crime. Because the sentencing court must consider the gravity of the offense, which includes the effect on the victim, *see* ***State v. Hall***, 2002 WI App 108, ¶7, 255 Wis. 2d 662, 648 N.W.2d 41, consideration of A.M.H. as a victim is not an improper sentencing factor. There is no arguable merit to challenging the circuit court's exercise of sentencing discretion.

Finally, we note that, after his conviction but before counsel filed the notice of appeal, Williams sent a *pro se* letter to the circuit court. He complained about the $250 DNA surcharge because he had previously paid that amount in 2003 on a prior conviction and he complained about the $92 victim witness surcharge fee because "nowhere did the prosecutor mention having to use that service for anything pertaining to the alleged victim." The circuit court declined to

address the *pro se* letter while Williams was represented by counsel. *See* ***State v. Redmond***, 203 Wis. 2d 13, 16-17, 19, 552 N.W.2d 115 (Ct. App. 1996).

Both surcharges are required by law. "If a court imposes a sentence or places a person on probation, the court *shall* impose a deoxyribonucleic acid analysis surcharge" of $200 for each misdemeanor conviction and $250 for each felony conviction. WIS. STAT. § 973.046(1r) (emphasis added). "If a court imposes a sentence or places a person on probation, the court *shall* impose a crime victim and witness assistance surcharge" of $67 for each misdemeanor conviction and $92 for each felony conviction. WIS. STAT. § 973.045(1) (emphasis added). Neither surcharge can be waived. *See* ***State v. Cox***, 2018 WI 67, ¶24, 382 Wis. 2d 338, 913 N.W.2d 780; § 973.045(1). There is no issue of arguable merit related to the imposition of mandatory surcharges.

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 Leonard D. Kachinsky is relieved of further representation of Williams 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