



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov

DISTRICT I

January 14, 2025

To:

Hon. Carolina M. Stark
Circuit Court Judge
Electronic Notice

Christopher D. Sobiechowski
Electronic Notice

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

Jennifer L. Vandermeuse
Electronic Notice

Timothy Lee Echols
5414 N. 52nd Street
Milwaukee, WI 53218

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

2023AP2312-CRNM State of Wisconsin v. Timothy Lee Echols (L.C. # 2021CF3661)

Before White, C.J., Geenen and Colón, 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).

Timothy Lee Echols appeals from his judgments of conviction entered after he pled guilty to possession of a firearm by a felon and possession of methamphetamine. His appellate counsel, Attorney Christopher D. Sobiechowski, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2021-22).¹ Echols was advised of his right to file a response, but he did not do so. Upon this court's independent review of the record as

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

mandated by *Anders*, and counsel's report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm.

In August 2021, Echols was charged with possession of a firearm by a felon and possession of methamphetamine after a search warrant was executed at his residence. The warrant was based on a firearms investigation. Echols was on extended supervision for a prior felony conviction at that time.

Echols chose to resolve these charges with pleas. In exchange for guilty pleas to both charges, the State agreed to recommend eighteen months of initial confinement to be followed by eighteen months of extended supervision. The circuit court accepted Echols' pleas and imposed a global sentence of eighteen months of initial confinement followed by eighteen months of extended supervision, to be served consecutively to the revocation sentence he was serving on his prior conviction. This no-merit appeal follows.

In the no-merit report, appellate counsel addresses two issues: whether there would be arguable merit to appealing the validity of Echols' pleas; and whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion in sentencing Echols. We agree with appellate counsel's analysis that there would be no arguable merit to an appeal of either of these issues.

A plea is not constitutionally valid if it is not knowingly, voluntarily, and intelligently entered. *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). This may be established if the requirements set forth in WIS. STAT. § 971.08 and *Bangert* are not met during the plea colloquy by the circuit court. *State v. Brown*, 2006 WI 100, ¶¶23, 34-35, 293 Wis. 2d 594, 716 N.W.2d 906.

With regard to Echols' pleas, the plea colloquy by the circuit court largely complied with these requirements, although the circuit court failed to provide the immigration warning required by WIS. STAT. § 971.08(1)(c).² However, in order to obtain relief because of such an omission, a defendant must show that the plea is likely to result in deportation, exclusion from admission, or denial of naturalizations. *State v. Negrete*, 2012 WI 92, ¶26, 343 Wis. 2d 1, 819 N.W.2d 749. There is nothing in the record to suggest that Echols is not a citizen of the United States.

The circuit court also confirmed that Echols signed and understood the plea questionnaire and waiver of rights form. This further demonstrates that Echols' pleas were knowingly, voluntarily, and intelligently entered. See *State v. Moederndorfer*, 141 Wis. 2d 823, 827, 416 N.W.2d 627 (Ct. App. 1987). Therefore, we agree with appellate counsel's assessment that there would be no arguable merit to challenging the validity of Echols' pleas.

With regard to sentencing, the record reflects that the circuit court properly exercised its discretion in considering relevant sentencing objectives and factors. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. The primary sentencing factors that must be considered by the court are the gravity of the offense, the character of the offender, and the need to protect the public. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Other relevant factors may also be considered. *Id.*

At sentencing, the circuit court stated that it considered the firearm possession charge to be the more serious count, particularly because Echols committed the offense while on extended

² The immigration warning was provided by the circuit court at a previous plea hearing, which was ultimately adjourned to allow Echols additional time to consult with his attorney.

supervision. The court also noted that Echols had prior convictions for violating domestic abuse injunctions, which further demonstrated his propensity for disregarding rules and the law. The court referenced all of the primary sentencing factors in its discussion. *See id.*

Additionally, Echols' sentences were within the statutory maximums, and are therefore presumed not to be unduly harsh or unconscionable. *See State v. Grindemann*, 2002 WI App 106, ¶32, 255 Wis. 2d 632, 648 N.W.2d 507. For these reasons, there would be no arguable merit to a challenge of Echols' sentences.

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

For all the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Christopher D. Sobie is relieved of further representation of Echols 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