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**DISTRICT II**

January 22, 2025

To:

Hon. Angelina Gabriele  
Circuit Court Judge  
Electronic Notice

Rebecca Matoska-Mentink  
Clerk of Circuit Court  
Kenosha County Courthouse  
Electronic Notice

Annice Kelly  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Uriah Lee Oliver  
1059 N. Rockwell St.  
Chicago, IL 60622

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

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2023AP1285-CRNM      State of Wisconsin v. Uriah Lee Oliver (L.C. #2022CF723)

Before Gundrum, P.J., Neubauer and Lazar, 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).**

Uriah Lee Oliver appeals a judgment of the circuit court for disorderly conduct as an act of domestic abuse and as a repeater, two counts of resisting or obstructing an officer as a repeater, three counts of felony bail jumping as a repeater, and one count of misdemeanor bail jumping as a repeater. Oliver's appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Oliver

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

has filed a response and a supplemental response. Upon consideration of the no-merit report and Oliver's responses, and following an independent review of the record as mandated by *Anders* and RULE 809.32, we conclude there is no arguable merit to any issue that could be raised on appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21(1).

Oliver was charged with the crimes of conviction and two other offenses after his girlfriend called 9-1-1 from the bathroom of a retail store and reported that they had an argument in front of their son, during which Oliver had threatened her. Police officers located a vehicle similar to the one the victim reported. Oliver exited and an officer began questioning him, but he refused to comply with the officer's commands and tried to re-enter his vehicle. Oliver then wrestled away from the officers and ran into the store. Officers tased him in the store's vestibule. Oliver gave police a false name and had to be identified using a special system after he was taken to the hospital. At the time of the incident, Oliver was free on bond in three Manitowoc County cases and one Sheboygan County case. Each of those bonds required that Oliver commit no further crimes.

Evidence of the foregoing was introduced at Oliver's bench trial, including (over the defense's objection) certified records of the bonds in Manitowoc and Sheboygan counties. The circuit court made detailed factual findings. It acquitted Oliver of two controlled substances offenses but found him guilty of the crimes identified above.

The circuit court imposed a two-year sentence on one of the resisting or obstructing offenses, bifurcated as eighteen months' initial confinement and six months' extended supervision. Oliver was sentenced to time served on the disorderly conduct offense. On the remaining offenses, the court withheld sentence and ordered either two or three years' probation,

consecutive to the prison sentence and concurrent with one another. It found Oliver eligible for the Challenge Incarceration Program but not the Substance Abuse Program, and it imposed various conditions of probation and extended supervision.

The no-merit report addresses whether there would be any nonfrivolous basis to challenge the circuit court's decision to admit the certified bond records into evidence at trial; the sufficiency of the evidence as to each of the crimes of conviction, including the police officers' lawful authority to temporarily detain Oliver in relation to the resisting and obstructing offenses; and the court's exercise of its sentencing discretion. Our independent review of the appellate record satisfies us that the no-merit report sufficiently analyzes these issues and properly concludes that any challenge based upon them would lack arguable merit. Additionally, we perceive no other nonfrivolous issues for appeal based on this record.

Oliver's responses generally argue the criminal complaint mischaracterized certain of the victim's statements during the 9-1-1 call and that the responding police officers therefore lacked "probable cause" to temporarily detain Oliver for questioning. Investigative stops are justified by reasonable suspicion, a lower standard than probable cause. *State v. Post*, 2007 WI 60, ¶10, 301 Wis.2d 1, 733 N.W.2d 634. Under the totality of the circumstances, any argument on appeal that the officers lacked reasonable suspicion to stop and question Oliver based on the victim's emergency call would lack arguable merit.

Additionally, although Oliver believes witnesses made false statements, the alleged falsity of those statements would not necessarily constitute a defect in the criminal complaint. A criminal complaint is merely a "written statement of the essential facts constituting the offense charged." WIS. STAT. § 968.01(2). While the complaint must establish probable cause to believe

the defendant committed a crime, it need only be minimally adequate, and we use a “common sense” rather than a “hypertechnical” approach to make the determination of whether it met that standard. *State v. Hoffman*, 106 Wis. 2d 185, 198, 316 N.W.2d 143 (Ct. App. 1982). As long as there are sufficient underlying facts to permit a reasonable inference that sources of information are being truthful, the complaint is sufficient without the need to ascertain whether a witness was actually being forthright. *See State v. Chinavare*, 185 Wis. 2d 528, 534, 518 N.W.2d 772 (Ct. App. 1994). Any argument that the complaint here was not minimally sufficient in that regard would lack arguable merit.

Other facets of Oliver’s argument may be that the complaint was void because the complaining officer who signed it lacked personal knowledge and “deliberately and recklessly” included false information. The complaint was also signed and sworn by the prosecuting attorney and identified the various sources from which the State had gathered evidence, including police reports, statements by the victim and Oliver, and court records from other jurisdictions. A criminal complaint may contain hearsay information and need not reflect the direct personal observations of the affiant. *Allison v. State*, 62 Wis. 2d 14, 20-21, 214 N.W.2d 437 (1974). There is nothing in the appellate record to suggest any signed and sworn statement by the complainants amounted to “purposive misrepresentation” so as to void the complaint. *See State v. Shears*, 68 Wis. 2d 217, 249, 229 N.W.2d 103 (1975). Any assertion that the complaint was void on these bases would lack arguable merit.

Oliver also argues that his trial attorney was constitutionally ineffective by failing to advance a pro se motion to dismiss that Oliver had filed. The one-paragraph motion failed to cite any law and contained only the conclusory statements that there was no victim and that Oliver was racially profiled. Oliver has failed to demonstrate that the motion had any merit and

therefore has failed to demonstrate deficient performance or prejudice, both necessary to prevail on an ineffective assistance of counsel claim. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984). Accordingly, there is no arguable merit to Oliver’s ineffective assistance of counsel argument.

Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that Attorney Annice Kelly is relieved of further responsibility for representing the defendant in connection with this appeal. *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*