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DISTRICT I

May 28, 2025

To:

Hon. David A. Feiss
Reserve Judge

John Blimling
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
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Christopher D. Sobiech
Electronic Notice

Isaiah Germain Yancey 595403
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P.O. Box 3310
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You are hereby notified that the Court has entered the following opinion and order:

2024AP833-CRNM	State of Wisconsin v. Isaiah Germain Yancey (L.C. # 2019CF850)
2024AP834-CRNM	State of Wisconsin v. Isaiah Germain Yancey (L.C. # 2019CF3639)
2024AP835-CRNM	State of Wisconsin v. Isaiah Germain Yancey (L.C. # 2020CF2481)

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

Isaiah Germain Yancey appeals his judgments of conviction entered after he pled guilty to numerous felonies in these consolidated matters. His appellate counsel, Attorney Christopher D. Sobiech, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967) and WIS. STAT. RULE 809.32 (2023-24).¹ Yancey was advised of his right to file a response, but he did not

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

do so. Upon this court's independent review of the record as 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.

Yancey was charged with numerous felonies in 2019 and 2020 in three cases, including several drug-related charges for possession with the intent to deliver cocaine, heroin, and fentanyl; resisting arrest and fleeing an officer; possession of a firearm by a convicted felon; burglary; and several bail-jumping counts. He was also charged with endangering safety using a dangerous weapon from a vehicle, after he shot at a woman in her vehicle—with her five-year-old child inside—in a road rage incident.

Yancey opted to resolve these matters with pleas. Pursuant to a global plea agreement, he pled guilty to 8 of the 25 charges against him, including the road rage incident. All penalty enhancers attached to these charges were dismissed under the agreement, and the remaining charges from the three cases were dismissed and read in at sentencing. The circuit court imposed sentences totaling eleven and one-half years of initial confinement followed by ten years of extended supervision. Additionally, the court found that Yancey was eligible for the Challenge Incarceration Program and the Substance Abuse Program after eight years of initial confinement.

In the no-merit report, appellate counsel addresses two issues: whether there would be arguable merit to appealing the validity of Yancey's pleas; and whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion in sentencing Yancey. 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. The record reflects that the plea colloquy by the circuit court largely complied with these requirements.² See *id.*, ¶35. Furthermore, the circuit court confirmed that Yancey signed and understood the plea questionnaire and waiver of rights forms completed for each case, which further demonstrates that Yancey's pleas were knowingly, voluntarily, and intelligently entered. See *State v. Moederndorfer*, 141 Wis. 2d 823, 827, 416 N.W.2d 627 (Ct. App. 1987). We therefore agree with appellate counsel's assessment that there would be no arguable merit to a challenge of the validity of Yancey's pleas.

With regard to sentencing, the record reflects that the circuit court properly exercised its discretion in considering proper and relevant sentencing objectives and factors. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. In its analysis, the court considered Yancey's apparent drug addiction, but observed the gravity of the road rage incident and his repeated possession of firearms as a convicted felon. The court also noted the seriousness of the fentanyl charge, although it acknowledged that Yancey claimed he did not know what the substance was.

² Appellate counsel notes that the circuit court did not review with Yancey that he was waiving his constitutional right to testify at a trial upon entering his pleas. However, Yancey indicated in the plea questionnaire and waiver of rights forms that he understood that he was waiving this right. See *State v. Cajujuan Pegeese*, 2019 WI 60, ¶40, 387 Wis. 2d 119, 928 N.W.2d 590. Furthermore, "[w]hile the circuit court must exercise great care when conducting a plea colloquy so as to best ensure that a defendant is knowingly, intelligently, and voluntarily entering a plea, a formalistic recitation of the constitutional rights being waived is not required." *Id.*, ¶39.

Furthermore, Yancey's 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, we agree with appellate counsel's conclusion that there would be no arguable merit to a challenge of Yancey's 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 Yancey 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. Sobic is relieved of further representation of Yancey in these matters. *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