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DISTRICT I

May 28, 2025

To:

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Circuit Court Judge
Electronic Notice

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

John Blimling
Electronic Notice

Dustin C. Haskell
Electronic Notice

Michael Alexander Sr. 140350
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2024AP622-CRNM State of Wisconsin v. Michael Alexander, Sr. (L.C. # 2022CF1019)

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).

Michael Alexander, Sr., appeals his judgment of conviction entered after he pled no contest to second-degree sexual assault and threatening a law enforcement officer. His appellate counsel has filed a no-merit report pursuant to ***Anders v. California***, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).[1] Alexander filed a response. Upon this court's independent review of the record as mandated by ***Anders***, counsel's report and Alexander's response, we

[1] The no-merit report was filed by Attorney Douglas C. McIntosh, who has been replaced by Attorney Dustin C. Haskell as Alexander's appellate counsel. All references to the Wisconsin Statutes are to the 2023-24 version.

conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment.

The charges against Alexander stem from an incident that occurred in March 2022. The victim, A.W., reported to police that Alexander had come over to her apartment, and that they were drinking and smoking crack. She stated that she had known Alexander for "a couple of weeks" but that she had not previously had sex with him.

A.W. said that while Alexander was there, a neighbor called her about money she owed him. Alexander then started making comments about how A.W. was "messing with all these men." A.W. stated that Alexander threw her on the bed, threatened to kill her, and started choking her so hard she urinated.

A.W. tried to get away but Alexander caught her and started punching her in the face and head. He then forced her to have penis-to-mouth intercourse and penis-to-vagina intercourse. A.W. again tried to get away, but Alexander hit her in the head with a bottle of Bacardi and started choking her again. Finally, a neighbor intervened and A.W. was able to get away. Another neighbor gave A.W. a t-shirt to wear since she was naked. She reported the assault to a security guard, who called the police. The security guard stated that Alexander came into the lobby, sweaty and naked from the waist down, yelled "these bitches," and returned to A.W.'s apartment.

Alexander was fully naked and lying on the floor when he was arrested. He became argumentative with the officers, throwing himself on the ground, kicking the back of the squad car, and yelling at the officers. Alexander continued this conduct when he was taken to the

hospital for a DNA sample. He threatened to spit on officers, attempted to kick them, and threatened to kill them numerous times.

Police noted that A.W. had the following visible injuries: her left eye was black and purple; she had stitches above her left eyebrow; and her ear was bandaged and appeared to be very swollen. She identified Alexander from a photo array, writing on the back of his photo "this is the person that tortured me for 5 hours and rapes me over and over please send him away."

Alexander was charged with second-degree sexual assault, strangulation and suffocation, substantial battery, and threatening a law enforcement officer. He opted to resolve the charges with a plea. Pursuant to the plea agreement, Alexander pled no contest to the sexual assault and threat to an officer charges, and the other charges were dismissed outright. A charge of theft of mail from a separate case was dismissed but read in for sentencing purposes. The circuit court imposed sentences of fourteen years of initial confinement followed by fourteen years of extended supervision for the sexual assault charge, and time served—271 days—for the threat to an officer charge. 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 Alexander's pleas; and whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion in sentencing Alexander. 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 here reflects that the plea colloquy by the circuit court complied with these requirements. In fact, during the colloquy the circuit court acknowledged that Alexander took medication for mental health conditions, and confirmed several times that Alexander was "thinking clearly" about his plea decision. Furthermore, the circuit court confirmed that Alexander signed and understood the plea questionnaire and waiver of rights form, which further demonstrates that Alexander'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 Alexander'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 Alexander's mental health issues and difficult childhood. It also reviewed Alexander's statement during the sentencing hearing in which he categorized the incident with A.W. as a "dope date" that "went real wrong," and accused A.W. of lying about the assault. The court stated that it did not believe Alexander's version of the incident based on A.W.'s injuries, the fact that she had fled her apartment with no clothes on, and the comment she wrote on the back of the photo array photograph.

The circuit court also considered Alexander's extensive criminal history—eighteen prior convictions, as well as three juvenile adjudications. This history included three previous sexual assault charges, one of which occurred in 2013, where the circumstances were similar to the incident with A.W.[2] These are all relevant factors that are properly considered for sentencing purposes. *See* ***Ziegler***, 289 Wis. 2d 594, ¶23.

Additionally, Alexander'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 Alexander's sentences.

In his response to the no-merit report, Alexander asserts that a statement by a "ghost victim" violated his constitutional right to confrontation. This presumably refers to the victim of the sexual assault that occurred in 2013, which the circuit court considered as part of Alexander's criminal history. As stated above, that history is a relevant factor for purposes of sentencing, and it was thus firmly within the court's discretion to consider that charge. *See* ***Ziegler***, 289 Wis. 2d 594, ¶23.

Alexander raises no other potential issues for appeal in his response or in the several other letters he submitted to this court regarding this matter. Rather, he profanely disparages the

[2] The State moved to introduce this incident as other-acts evidence. Since Alexander opted to resolve this matter with pleas, the motion was not decided by the circuit court.

victim—and women in general—in these submissions, while maintaining that he did not commit any sexual assaults.

We therefore conclude that Alexander has raised no issues of arguable merit in his response. 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 Alexander further in this appeal.

For all the foregoing reasons,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Dustin C. Haskell is relieved of further representation of Alexander 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