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DISTRICT I

July 22, 2025

To:

Hon. Jack L. Davila
Circuit Court Judge
Electronic Notice

Paul C. Dedinsky
Electronic Notice

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

Jill Marie Skwor
Electronic Notice

Al Antonio Holifield Jr.
2929 W. Wisconsin Avenue
Milwaukee, WI 53208

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

2024AP2122-CRNM State of Wisconsin v. Al Antonio Holifield, Jr.
(L.C. # 2023CF1504)

Before Donald, P.J.¹

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).

Al Antonio Holifield, Jr., appeals from a judgment, entered on his guilty pleas, convicting him of three misdemeanor charges. Appellate counsel, Jill Marie Skwor, has filed a no-merit report, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. Holifield 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 counsel's report, we conclude

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

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

According to the criminal complaint, around 8:30 a.m. on the morning of April 6, 2023, Milwaukee police officers were dispatched to a “battery and cutting complaint.” A 911 caller stated that a subject named “Al” had entered the caller’s apartment and attacked him, and that the caller stabbed “Al” with a knife. When officers arrived, they made contact with T.H., who said he owed approximately \$60 to his neighbor, identified as Holifield, and that Holifield had come to T.H.’s apartment around 8:00 a.m. They had a face-to-face conversation in the building hallway, where Holifield asked T.H. for the money he owed. T.H. advised he was unable to pay at that time but would when he had the money.

Shortly thereafter, Holifield knocked on T.H.’s door. T.H. armed himself with a folding knife because he was afraid Holifield may try and harm him. Upon opening the door, Holifield demanded money and grabbed T.H.’s shirt and tried to pull him into the hallway. T.H. struggled to free himself and, upon doing so, Holifield rushed into T.H.’s apartment and struck T.H.’s head and ribs approximately three to four times with a closed fist. Holifield continued punching T.H. inside the apartment. T.H. was afraid that Holifield was going to kill him, so T.H. stabbed Holifield one or two times in the left rib. The two fell to the floor and continued to fight for an additional three or four minutes. Holifield then got up and left the apartment while T.H. called 911 and waited for police to arrive.

While speaking with T.H. one of the officers observed blood on T.H.’s shirt, a stretched shirt collar, and a torn right sleeve. Inside the apartment, officers observed blood on the floor just inside the door as well as on the wall and on items immediately within the apartment. They

also observed blood on the hallway carpet in front of Holifield's apartment door and a blood trail leading to a rear exit door. The officers were subsequently advised that an additional battery and cutting complaint had been received from security at Mount Sinai Hospital, where Holifield was now a patient. Holifield had suffered two lacerations to his right upper arm, one laceration to his left forearm, and two lacerations to his left upper back.

Holifield was charged with one count of attempted robbery with the use of force. He initially claimed that T.H. had stabbed him, then made up the robbery claim when he learned Holifield was headed to the hospital. Eventually, though, Holifield agreed to resolve the case through a plea bargain. In exchange for his guilty pleas to one count of criminal trespass to a dwelling and two counts of disorderly conduct—all misdemeanors—the State agreed to recommend probation. The circuit court accepted the pleas. It sentenced Holifield to six months of jail time for the trespass and ninety days for each of the disorderly conduct charges, then stayed those sentences for six months' probation on each count, to be served concurrently. Holifield appeals.

The first potential issue counsel discusses is whether Holifield should be allowed to withdraw his pleas as not knowing, intelligent, and voluntary. Our review of the plea hearing transcript confirms that the circuit court complied with its obligations for taking guilty pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. There is no arguable merit to a claim that the circuit court failed to fulfill its duties for accepting a plea.

Although referenced during the plea hearing, there is no copy of the plea questionnaire form or addendum in this record. Appellate counsel advises that the clerk of the circuit court has

been unable to locate the documents. However, as counsel correctly notes, the omission of these documents “does not provide a basis to challenge the validity” of Holifield’s guilty pleas. A plea questionnaire is a useful tool for supplementing a plea colloquy, but it does not replace the colloquy. *See State v. Pegeese*, 2019 WI 60, ¶36, 387 Wis. 2d 119, 928 N.W.2d 590. A circuit court may refer to a plea questionnaire form at the plea hearing, but the hearing transcript must still demonstrate that the court employed a substantive colloquy. *See State v. Hoppe*, 2009 WI 41, ¶31, 317 Wis. 2d 161, 765 N.W.2d 794. The transcript in this matter reflects an appropriate colloquy between Holifield and the court, so we are satisfied that there is also no arguable merit to a claim that Holifield’s pleas were anything other than knowing, intelligent, and voluntary.

The other issue counsel discusses is whether the circuit court properly 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 the sentencing objectives, the court should consider several primary factors, including the gravity of the offense, the character of the offender, and the protection of the public, and may consider additional factors. *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 court appropriately considered relevant sentencing objectives and factors. The sentences imposed are within the range authorized by law, as are the terms of probation. *See State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95,

622 N.W.2d 449. The sentences are 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). There is no arguable merit to a challenge to the court's sentencing discretion.

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 Jill Marie Skwor is relieved of further representation of Holifield 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