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DISTRICT I

December 19, 2023

To:

Hon. Joseph R. Wall
Circuit Court Judge
Electronic Notice

Marcella De Peters
Electronic Notice

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

Ronqwell L. Fondren 387973
Waupun Correctional Inst.
P.O. Box 351
Waupun, WI 53963-0351

Jennifer L. Vandermeuse
Electronic Notice

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

2022AP914-CRNM State of Wisconsin v. Ronqwell L. Fondren (L.C. # 2017CF3796)

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).

Ronqwell L. Fondren appeals a judgment, entered upon a jury's verdicts, convicting him of first-degree intentional homicide by use of a dangerous weapon and possession of a firearm by a felon. His appellate counsel, Marcella De Peters, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Fondren received a copy of the report, was advised of his right to file a response, and has elected not to do

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

so. Upon consideration of the report and an independent review of the record as mandated by *Anders*, this court summarily affirms the judgment because there is no arguable merit to any issue that could be pursued on appeal. *See* WIS. STAT. RULE 809.21.

According to the complaint, on August 15, 2017, police officers were dispatched to a park where they found J.B. face down on a basketball court with a gunshot wound to the back. J.B. was pronounced dead at the scene. Officers observed a tan Buick Rendezvous parked on an adjacent street with a .380/.32 caliber firearm magazine inside, in plain view. The car belonged to A.B. The police investigation revealed that the day before the shooting, A.B. was stopped by police near the park, and Fondren was with her in the car.

The complaint additionally alleged that when detectives interviewed A.B. with regard to the underlying crimes, she said that on August 15th, she drove to the park in her Buick. Fondren was with her in the car. A.B. told police that Fondren regularly armed himself with a .380 semi-automatic pistol. While at the basketball courts, Fondren got into an argument with J.B., which escalated to a physical fight. A.B. held onto Fondren's .380 gun during the fight. After Fondren lost the fight, he took the gun and shot J.B. twice.² The complaint alleged that Fondren previously was convicted of armed robbery with threat of force, a felony.

On the day his jury trial was set to begin, Fondren accepted the State's plea offer. During the plea colloquy, however, he indicated that he changed his mind about entering pleas and asked

² The complaint detailed the autopsy findings, which were that J.B. was shot twice and that his death was caused by the bullet wounds.

for a new attorney. The circuit court denied his request, stating: “[today]’s the date for trial. It’s a little late for that.”³

Despite the circuit court’s effort to keep the case moving forward, a number of adjournments followed for a variety of reasons.⁴ Ultimately, the case proceeded to trial. The jury found Fondren guilty of first-degree intentional homicide and of possessing a firearm as a felon. The circuit court ordered Fondren to serve a life sentence on the homicide charge and a concurrent ten-year sentence on the charge of possessing a firearm as a felon. The circuit court made Fondren eligible to apply for release to extended supervision after he serves thirty years of initial confinement. This no-merit appeal follows.

The no-merit report first addresses whether there was sufficient evidence adduced at trial to support the jury’s guilty verdicts. When reviewing the sufficiency of the evidence, we look at whether “the evidence, viewed most favorably to the [S]tate and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Zimmerman*, 2003 WI App 196, ¶24, 266 Wis. 2d 1003, 669 N.W.2d 762 (citation omitted). “If any possibility exists that the trier of fact could have drawn the appropriate inferences from the evidence adduced at trial to find the requisite guilt, an appellate court may not overturn [the] verdict[.]” *Id.* (citation omitted).

The no-merit report details the evidence presented at trial, which included testimony from multiple eyewitnesses who identified Fondren as the shooter. The jury heard that immediately

³ The Honorable Jeffrey A. Conen ruled on this motion.

⁴ In the interim, Fondren did not renew his request for new trial counsel.

after losing a fistfight with J.B., Fondren retrieved a gun and shot J.B. twice—once as he attempted to run away. The jury also heard that before he was shot, J.B. begged for his life. Based on our review of the trial transcripts and other evidence, we conclude that there was sufficient evidence presented at the trial for the jury to find Fondren guilty of the charges.

The no-merit report also addresses whether there would be arguable merit to an appellate challenge to Fondren’s sentences. The circuit court considered appropriate sentencing objectives and explained that the sentences it imposed were based on various sentencing criteria applied to the facts of this case. See *State v. Brown*, 2006 WI 131, ¶¶26, 298 Wis. 2d 37, 725 N.W.2d 262. Because the circuit court properly exercised its discretion, there would be no arguable merit to an appellate challenge to the sentences.

The comprehensive no-merit report additionally discusses whether the circuit court erred when it denied Fondren’s request for a new attorney, whether there was a speedy trial violation, and the circuit court’s rulings related to the jury panel. This court is satisfied that the no-merit report properly concludes these issues are meritless.

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

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 Marcella De Peters is relieved of further representation of Ronqwell L. Fondren 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