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April 12, 2017

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

2016AP2425-NM	In the interest of E.E.H., a person under the age of 17:
2016AP2426-NM	State of Wisconsin v. E.E.H. (L.C. #2015JV647, 2016JV126)

Before Reilly, P.J.¹

In these consolidated cases, E.E.H. appeals from dispositional orders adjudicating him delinquent for the offenses of possessing a dangerous weapon by a person under eighteen and robbery with threat of force. The dispositional order transferred his custody to the Department of Corrections (DOC) for one year. E.E.H.'s appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). E.E.H. received a

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

copy of the report and was advised of his right to file a response but has not done so. Upon consideration of the report and an independent review of the record, this court concludes that the appeal raises no issue of arguable merit. We summarily affirm the orders, *see* WIS. STAT. RULE 809.21, and relieve Attorney Carly M. Cusack of further representing E.E.H. in this matter.

A delinquency petition charged fifteen-year-old E.E.H. with possession of a dangerous weapon by a person under eighteen and carrying a concealed weapon. A police detective had responded to a report that a black male juvenile was in possession of a short-barreled shotgun. The detective observed E.E.H. walking with a bulge at his right side and with a gait that favored his right side. The detective stopped E.E.H., who gave his name as “Lamont Jefferson.” Before being patted down, E.E.H. said he had “just found” a “small gun.” The “small gun,” a loaded .22 rifle, measured over twenty-eight inches long.

While that case was pending, a second delinquency petition was filed. It charged E.E.H. with four counts of armed robbery with threat of force as party to a crime (PTAC), one of which involved a car-jacking; one count of operating a motor vehicle without the owner’s consent, as PTAC, for driving the car from the scene; and one count of obstructing an officer for giving his name as “Cory Brown.”

Pursuant to a plea agreement, E.E.H. entered delinquency pleas to possessing a dangerous weapon by a person under eighteen and the reduced charge of PTAC robbery with threat of

force.² All other charges were dismissed outright. The Human Services Department and defense counsel recommended a year of supervision under the Milwaukee County Wraparound and FOCUS Programs. The State, by contrast, recommended that E.E.H. be placed for at least a year with the DOC at Lincoln Hills School, a secured correctional facility, highlighting his pattern of violence and going AWOL. In line with the State's recommendation, the court ordered that E.E.H. be placed at Lincoln Hills School for one year. This no-merit appeal followed.

The no-merit report thoroughly examines two potential issues: whether E.E.H. knowingly, voluntarily, and intelligently entered admissions to the delinquency petitions, and whether the disposition was legal and based upon a reasonable exercise of discretion. Our review of the record satisfies us that the report properly evaluates these issues and that there exist no other issues of arguable appellate merit. Accordingly, this court adopts the reasoning of the no-merit report, affirms the dispositional orders, and relieves Attorney Cusack of any further representation of E.E.H. in this appeal. Therefore,

IT IS ORDERED that the orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Carly M. Cusack is relieved from further representing E.E.H. in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals

² E.E.H.'s competency initially was at issue. A psychologist found that he lacked substantial mental capacity to understand the proceedings and was unable to assist with his defense. After he underwent competency restoration treatment, the same psychologist re-evaluated him and found that he no longer lacked substantial mental capacity to understand the proceedings and now could assist with his defense.