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DISTRICT III

May 30, 2018

To:

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

2017AP408-CRNM State of Wisconsin v. Duane R. Lau (L. C. No. 2016CF249)

Before Stark, P.J., Hruz and Seidl, JJ.

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).

Counsel for Duane Lau has filed a no-merit report concluding there is no basis to challenge Lau's conviction for robbery with threat of imminent force. Lau was advised of his right to respond and has not responded. Upon our independent review of the record as mandated

by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal, and we summarily affirm. WIS. STAT. RULE 809.21 (2015-16).¹

This case stems from an armed robbery of a Kwik Trip in Eau Claire. A Kwik Trip employee told police an individual approached the counter wearing a handkerchief over his face and stated, “Give me your big bills.” The employee asked another employee for assistance. The robber then said, “Give me the cash. I don’t want any problems,” and he lifted his shirt to reveal a black gun tucked into his waistband. The robber was handed \$668 in a bag, mostly in \$1 and \$5 bills, and the suspect fled on foot. A witness walking his dog reported observing a man running from the Kwik Trip while carrying a bag, and getting into the passenger side of a dark-colored PT Cruiser.

Investigating officers were also provided surveillance video from another Kwik Trip showing a male pumping gas into a black PT Cruiser, and then driving off without paying. This occurred earlier on the day of the armed robbery. The video confirmed the suspect from the gas theft was wearing the same clothes as the suspect from the armed robbery, and he also had a handkerchief covering his face. The video also established a second male in the PT Cruiser’s driver’s seat. The suspect pumping the gas in the video was the passenger of the vehicle.

Still images from the Kwik Trip surveillance video were circulated to news outlets and social media sites, and several individuals called police to identify Lau. One of the individuals stated that Lau had talked about killing himself or robbing a bank because he was upset that he was unable to get any help with his drug addiction. Lau was apprehended after police received

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

information he was at a local motel. Lau identified Jeffrey Green as his accomplice. Green, who matched the description of the driver, was arrested at a Holiday gas station while driving a black PT Cruiser. Green was searched incident to arrest, revealing seventy \$1 and \$5 bills on his person. Officers also discovered a syringe in his upper left chest pocket, which tested positive for methamphetamine, as well as marijuana in a baggie stuffed in Green's sock.

Lau was charged with armed robbery, as a repeater. Lau pled guilty to an amended count of robbery by threat of imminent force, as a repeater. The circuit court imposed a sentence consisting of ten years' initial confinement and five years' extended supervision.

The no-merit report addresses whether Lau's plea was knowingly, intelligently, and voluntarily entered. The report also addresses whether the circuit court properly exercised its sentencing discretion, and whether any new factors could serve as grounds for sentence modification. This court is satisfied that the no-merit report properly analyzes the issues raised, and we will not discuss them further.

Our independent review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that attorney Megan Sanders-Drazen is relieved of further representing Lau in this matter.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals