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**DISTRICT I**

May 31, 2018

To:

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

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2016AP57-CRNM      State of Wisconsin v. Trenton L. Bean (L.C. # 2013CF2810)

Before Brennan, P.J., Brash and Dugan, 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).**

Trenton L. Bean appeals a judgment convicting him after a jury trial of first-degree reckless homicide, with use of a dangerous weapon. Attorney Marcella De Peters, who was appointed to represent Bean, filed a no-merit report seeking to withdraw as appellate counsel.

See WIS. STAT. RULE 809.32 (2015-16),<sup>1</sup> and *Anders v. California*, 386 U.S. 738, 744 (1967). Bean responded to the no-merit report. After considering the no-merit report and the response, and after conducting an independent review of the record, we conclude that there are no issues of arguable merit that Bean could raise on appeal. Therefore, we summarily affirm the judgment of conviction. See WIS. STAT. RULE 809.21.

The no-merit report addresses whether there would be arguable merit to a claim that the evidence was insufficient to support the verdict. When reviewing the sufficiency of the evidence, we look at whether “the evidence, viewed most favorably to the state 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 testimony and other evidence adduced at trial are accurately summarized in the no-merit report. Based on our thorough review of the trial transcripts, and viewing the evidence in the light most favorable to the jury’s verdict, we conclude that there was sufficient evidence to convict Bean.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court misused its sentencing discretion by imposing an unduly harsh sentence. The circuit court sentenced Bean to forty years of imprisonment, consisting of twenty-eight years of

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

initial confinement and twelve years of extended supervision. The court considered appropriate factors in deciding what sentence to impose and explained its application of the various sentencing guidelines in accordance with the framework set forth in *State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. Therefore, there would be no arguable merit to an appellate challenge to the sentence.

In his response, Bean states that he believes that his trial counsel did not adequately represent him because counsel failed to contact him, failed to visit him in jail, and failed to cross-examine witnesses. Our review of the record and transcripts shows that Bean's counsel was very thorough and persuasively argued on Bean's behalf before, during, and after trial. During sentencing, the circuit court stated that Bean's counsel had done a very good job representing Bean during trial. Moreover, according to Bean's statement at sentencing, his counsel visited him at least six times in jail and Bean addressed multiple issues and concerns with him. Therefore, we see no basis for an appellate challenge to the effectiveness of trial counsel's assistance.

Our independent review of the record also reveals no arguable basis for reversing the judgment of conviction. Therefore, we affirm the judgment and relieve Attorney Marcella De Peters from further representation of Bean.

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

IT IS FURTHER ORDERED that Attorney Marcella De Peters is relieved of any further representation of Bean in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*