

OFFICE OF THE CLERK WISCONSIN COURT OF APPEALS

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DISTRICT I

June 5, 2018

To:

Hon. Mark A. Sanders Circuit Court Judge Safety Building, Rm. 620 821 W. State St. Milwaukee, WI 53233-1427

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Criminal Appeals Unit Department of Justice P.O. Box 7857 Madison, WI 53707-7857

Robert E. Edwards Sr. c/o Milwaukee Probation and Parole, Melissa Marsha 819 6th St. Milwaukee, WI 53203

Robert Earl Edwards Sr. 1209 W. Keefe Ave. Milwaukee, WI 53206

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

2017AP1045-CRNM State of Wisconsin v. Robert Earl Edwards, Sr. (L.C. # 2015CF2912)

Before Kessler, P.J., Brennan 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).

Robert Earl Edwards, Sr., appeals a judgment convicting him after a jury trial of being a felon in possession of a firearm and disorderly conduct with use of a dangerous weapon. Attorney Kathleen A. Lindgren, who was appointed to represent Edwards, filed a no-merit report

seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2015-16), and *Anders v. California*, 386 U.S. 738, 744 (1967). Edwards was advised of his right to respond, but he elected not to do so. After considering the no-merit report and conducting an independent review of the record, we conclude there are no issues of arguable merit that Edwards could raise on appeal.

The no-merit report addresses whether there would be any arguable merit to a claim that the evidence was insufficient to support the verdict. We view the evidence in the light most favorable to the verdict, and if more than one inference can be drawn from the evidence, we must accept the one drawn by the trier of fact. *See State v. Poellinger*, 153 Wis. 2d 493, 504, 451 N.W.2d 752 (1990). The verdict will be overturned only if no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt, viewing the evidence most favorably to the conviction. *See State v. Alles*, 106 Wis. 2d 368, 376-77, 316 N.W.2d 378 (1982).

The testimony and other evidence adduced at trial are accurately summarized in the nomerit 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 there was sufficient evidence to convict Edwards of being a felon in possession of a firearm and disorderly conduct.

The no-merit report also addresses whether there would be arguable merit to an appellate challenge to the sentence. The circuit court sentenced Edwards to five years of imprisonment, consisting of two years of initial confinement and three years of extended supervision for possessing the firearm, and a concurrent term of nine months in jail for the disorderly conduct

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

No. 2017AP1045-CRNM

conviction. The court considered appropriate factors in deciding what length of 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.

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 Kathleen A.

Lindgren from further representation of Edwards.

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 Kathleen A. Lindgren is relieved of any

further representation of Robert Earl Edwards, Sr., in this matter. See WIS. STAT. RULE

809.32(3).

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

3

Sheila T. Reiff

Clerk of Court of Appeals