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**DISTRICT I/IV**

September 4, 2018

To:

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Circuit Court Judge  
Felony Division  
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Marcus D. Lee 364262  
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Plymouth, WI 53073-0282

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

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2017AP1599-CRNM      State of Wisconsin v. Marcus D. Lee (L.C. # 2016CF891)

Before Lundsten, P.J., Sherman and Kloppenburg, 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).**

Attorney Mark Rosen, appointed counsel for Marcus Lee, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Lee with a copy of the no-merit report, and both counsel and this court advised

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

him of his right to file a response. Lee has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Lee pled guilty to one count of homicide by intoxicated use of a vehicle and one count of knowingly operating while suspended and causing a death. On the first count the circuit court imposed a sentence of ten years of initial confinement and ten years of extended supervision, and on the second count the court imposed a sentence of three years of initial confinement and three years of extended supervision concurrent with the sentence on the first count.

The no-merit report addresses whether Lee's pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Lee was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the circuit court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Rosen is relieved of further representation of Lee 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*