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**DISTRICT II**

September 12, 2018

To:

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

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2018AP396-CRNM      State of Wisconsin v. Cordell A. Ford (L.C. #2015CF897)

Before Neubauer, C.J., Reilly, P.J., and Hagedorn, J.

**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).**

Cordell A. Ford appeals from a judgment of conviction for first-degree recklessly endangering safety by use of a dangerous weapon, endangering safety by reckless use of a firearm, felon in possession of a firearm, criminal damage to property by use of a dangerous weapon, and intentionally pointing a firearm at a person, all as a repeat offender. His appellate

counsel 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). Ford received a copy of the report, was advised of his right to file a response, and has elected not to do so. As required by our July 3, 2018 order, counsel filed a supplemental no-merit report to address whether a search warrant was obtained to search Ford's cell phone. Upon consideration of the reports and an independent review of the record, we conclude that the judgment may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Ford was convicted after a jury trial. Evidence at the trial was that Ford was involved in a confrontation with two females in an apartment parking lot. C.W. had driven the women to the location and was waiting in his car in the parking lot. Ford displayed a gun and told the women to go away. He fired a "warning shot" into the air. Ford then pointed the gun at the women. One of the women yelled to C.W. to call 911. Ford then fired four or five shots at C.W.'s car. The rear window of the car was shattered, and a bullet hole was found in the bumper. C.W. and both women identified Ford as the shooter. On the five convictions, Ford was sentenced to consecutive and concurrent terms totaling seven and one-half years' initial confinement and seven and one-half years' extended supervision.<sup>2</sup>

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

<sup>2</sup> The judgment of conviction includes the use of a dangerous weapon enhancer on the misdemeanor conviction for intentionally pointing a firearm at a person. That enhancer was struck by the trial court. This is a mere defect in the form of the certificate of conviction, which may be corrected in accordance with the actual determination by the trial court. *See State v. Prihoda*, 2000 WI 123, ¶17, 239 Wis. 2d 244, 618 N.W.2d 857. The trial court may either correct the clerical error in the written judgment of conviction or may direct the trial court clerk's office to make such a correction. *Id.*, ¶5. We do not require the correction because, as the no-merit report observes, it makes no difference to the sentence imposed.

The no-merit report addresses the potential issues of whether Ford's constitutional and statutory rights to a speedy trial were violated when the trial was held 175 days after Ford's speedy trial demand, whether there was sufficient credible evidence to support the guilty verdicts, whether Ford's right to a unanimous verdict was violated by not requiring the jury to agree that Ford had possessed a firearm on a date certain, whether there was error in instructing the jury, whether the endangering safety counts were multiplicitous, whether Ford was denied the effective assistance of trial counsel, and whether the sentence was the result of an erroneous exercise of discretion or unduly harsh or excessive. The report also concludes that the DNA surcharges, restitution, and sentence credit were proper. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

Although not discussed by the no-merit report, we have considered whether there is any arguable merit to any challenge to pretrial rulings, jury selection, confirmation that Ford's waiver of his right to testify was valid, use of proper jury instructions, and propriety of opening statements and closing arguments. We conclude that these aspects of the jury trial do not give rise to arguably meritorious claims. The supplemental no-merit report establishes that a search warrant was obtained to search Ford's cell phone and that the warrant was supported by probable cause.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Ford further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Steven W. Zaleski is relieved from further representing Cordell A. Ford in this appeal. *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*