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**DISTRICT I**

February 14, 2019

To:

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Circuit Court Judge  
901 N. 9th St., Rm. 504  
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Clerk of Circuit Court  
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Winnebago, WI 54985-0220

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

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2018AP1756-CRNM      State of Wisconsin v. Marquise D. Hubanks (L.C. # 2018CF422)

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

Marquise D. Hubanks appeals from a judgment of conviction on one count of resisting an officer causing substantial bodily harm. Appellate counsel, Attorney Dustin C. Haskell, has filed a no-merit report, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2017-18).<sup>1</sup> Hubanks was advised of his right to file a response, but he has not

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

responded. Upon this court's independent review of the record, as mandated by *Anders*, and counsel's report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment.

On January 26, 2018, two Milwaukee police officers stopped a vehicle for traveling at a high rate of speed and disregarding a stop sign. The rear passenger, later identified as Hubanks, was asked to step out of the vehicle after providing a false name. As he was being escorted to the squad car, Hubanks broke free, and one of the officers gave chase while issuing commands to stop. The officer caught up to Hubanks, who again broke free of the officer's grasp. The officer fell, hitting his head on the sidewalk and temporarily losing consciousness. The officer suffered a concussion and sustained a laceration that required five staples. The other officer ultimately apprehended Hubanks, who admitted he knew he was wanted for a "probation violation."<sup>2</sup>

Hubanks was charged with one count of resisting an officer causing substantial bodily harm, a Class H felony. *See* WIS. STAT. § 946.41(1), (2r). He agreed to plead guilty to the offense. In exchange, the State would recommend incarceration, without specifying a length, to be served consecutively to a revocation sentence. The circuit court accepted Hubanks' guilty plea and sentenced him to two years of imprisonment, consisting of one year of initial confinement and one year of extended supervision, out of a maximum possible six years of imprisonment. *See* WIS. STAT. § 939.50(3)(h). The circuit court also waived all costs and surcharges except for the \$250 DNA surcharge.

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<sup>2</sup> At the time of the present offense, Hubanks was on extended supervision for a prior armed robbery conviction and was in absconder status.

The no-merit report addresses the potential issues of whether Hubanks' guilty plea was knowingly, intelligently, and voluntarily entered and whether Hubanks could challenge his sentence as an erroneous exercise of discretion or as unduly harsh. This court is satisfied that the no-merit report properly analyzes the issues it raises as being without merit, and this court will not discuss them further.

Our independent review of the record reveals no other potential issues of arguable merit.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Dustin C. Haskell is relieved of further representation of Hubanks 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*