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**DISTRICT I**

April 23, 2019

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

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2018AP495-CRNM      State of Wisconsin v. Ronald Eugene Burrage  
(L.C. # 2016CF5450)

Before Brennan, 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).**

Ronald Eugene Burrage appeals a judgment entered after he pled guilty to three counts of armed robbery, with one count charged as an attempt. *See* WIS. STAT. §§ 943.32(2), 939.32 (2015-16).<sup>1</sup> His appellate counsel, Attorney Michael S. Holzman, has filed a no-merit report

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

pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Burrage received a copy of the report, was advised of his right to file a response, and did not do so. We have independently reviewed the record and the no-merit report as mandated by *Anders*. We conclude that there is no issue of arguable merit that could be pursued on appeal. We, therefore, summarily affirm.

The criminal complaint alleged that Burrage robbed two women and attempted to rob a third during three incidents that occurred in 2016. In two of the incidents, Burrage used a knife to threaten his victims, and in the third incident, he used pepper spray. The complaint further alleged that two of the victims identified Burrage as the perpetrator and that Burrage made a statement admitting to the three crimes. According to the complaint, Burrage finished serving a prior prison sentence for robbing women at knifepoint one month before he committed the first of the underlying crimes in this case.

Burrage subsequently entered into a plea agreement with the State. Pursuant to the agreement, Burrage agreed to plead guilty to the charges against him, and the State agreed to recommend to the circuit court that Burrage serve a total of ten years of initial confinement and nine years of extended supervision on the three charges with the sentences to run consecutively to any other sentence Burrage was ordered to serve. The circuit court conducted a plea colloquy, accepted Burrage's guilty pleas, and found him guilty. The circuit court followed the State's recommendation and sentenced Burrage as follows: count one, attempted armed robbery, two years of initial confinement and three years of extended supervision; count two, armed robbery, four years of initial confinement and three years of extended supervision; and count three, armed robbery, four years of initial confinement and three years of extended supervision. The sentences were ordered to run consecutively to each other and to any other sentence.

The no-merit report addresses three issues: (1) whether Burrage could seek plea withdrawal on grounds that his plea was not knowingly, intelligently, and voluntarily entered; (2) whether the circuit court erroneously exercised its sentencing discretion; and (3) whether the circuit court erred when it ordered Burrage to consecutively serve his sentences in this case with a sentence in another case for which Burrage had not yet been revoked. The no-merit report thoroughly addresses each issue.

The no-merit report first addresses the question of a possible plea withdrawal from the perspective of the adequacy of the plea taking. We conclude that no issue of arguable merit could arise from this point. The plea taking fully conformed to the strictures of *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). Moreover, the circuit court properly relied on Burrage's completed plea questionnaire and waiver of rights form and addendum. See *State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987).

The no-merit report also analyzes the sentence imposed, providing citations to the sentencing transcript and analyzing the circuit court's compliance with *State v. Gallion*, 2004 WI 42, ¶¶40-46, 270 Wis. 2d 535, 678 N.W.2d 197. There would be no arguable merit to asserting that Burrage's sentences totaling nineteen years of imprisonment were unduly harsh and excessive given that he could have been sentenced to one hundred years of imprisonment on the three charges. See *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449 ("A sentence well within the limits of the maximum sentence is unlikely to be unduly harsh or unconscionable.").

Lastly, the no-merit report discusses whether the circuit court erred when it ordered Burrage to serve his sentences in this case consecutive to a sentence in another case for which

Burrage had not yet been revoked. After analyzing *State v. Thompson*, 208 Wis. 2d 253, 559 N.W.2d 917 (Ct. App. 1997), the no-merit report properly concludes that there would be no arguable merit to pursuing this issue.

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

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Michael S. Holzman is relieved from further representing Ronald Eugene Burrage 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*