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DISTRICT I

June 6, 2019

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

2018AP1680-CRNM State of Wisconsin v. Darrell Rayshawn Woodson, Jr.
(L.C. # 2017CF1017)

Before Kessler, Kloppenburg 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).

Darrell Rayshawn Woodson, Jr., appeals a judgment convicting him of child neglect resulting in death, as a party to a crime, for the death of Woodson's two-year-old daughter from an overdose of oxycodone and trazodone. Woodson also appeals an order denying his postconviction motion. Appellate counsel, Attorney Christopher P. August, has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32

(2017-18).¹ Woodson was advised of his right to file a response, but he has not responded. After independently reviewing the record and the no-merit report, we conclude that there is no issue of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment and order.

The first potential issue appellate counsel discusses is whether Woodson should be allowed to withdraw his guilty plea because it was not knowingly, intelligently, and voluntarily entered. Our review of the record—including the plea questionnaire, the waiver of rights form, and the plea hearing transcript—confirms that the circuit court complied with its obligations for taking a guilty plea pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 266-73, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. There is no indication of any other basis for plea withdrawal. Accordingly, we agree with counsel’s assessment that there would be no arguable merit to an appellate challenge to Woodson’s plea.

The next issue appellate counsel addresses is whether the circuit court erroneously exercised its sentencing discretion. The court imposed eleven years of initial confinement and four years of extended supervision. Our review of the record confirms that the court explained the objectives of the sentence and considered appropriate sentencing factors in light of the circumstances in its extensive oral sentencing decision. *See State v. Gallion*, 2004 WI 42, ¶¶40-46, 270 Wis. 2d 535, 678 N.W.2d 197. Because the court reached a reasoned and reasonable

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

decision in accord with *Gallion*, there would be no arguable merit to a challenge to the court's sentence.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court imposed an unreasonable condition of extended supervision. The court ordered Woodson to have no contact with his wife, who was also charged with their child's death. The court may impose conditions of extended supervision that are reasonable and appropriate. WIS. STAT. § 973.01(5); *State v. Miller*, 2005 WI App 114, ¶11, 283 Wis. 2d 465, 701 N.W.2d 47. When the court denied Woodson's postconviction motion challenging the no-contact provision, the court explained why it believed the no-contact provision was necessary:

Mr. Woodson and Mrs. Balderas distributed and sold drugs in addition to giving drugs to their children to calm or sedate them. They acted together to bring drugs into the home they shared with minor children for multiple dangerous purposes: to use for their own addictions, to administer to the children, and to sell to others in the community. Their particular way of life created high levels of risk for the children in their home and others who received drugs from them, and they acted in ways that supported each other which created a very dangerous risk and, ultimately, lethal results.

Given the totality of the circumstances regarding how they acted together to create these high levels of risk, it is necessary to prohibit Mr. Woodson from having contact with Mrs. Balderas for the protection of the community so they cannot act together to create this type of risk again. The court recognizes that prohibiting him from contact with her is an extreme restriction of his liberty, but the court finds that this extreme restriction is necessary to protect the public (those they would sell drugs to and those children who would be in their custody or care) given the extreme actions they took and the risk they created together.

The court's decision to prohibit contact between Woodson and his wife is reasonable under the circumstances. There would be no arguable merit to a challenge to the no-contact provision.

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

Therefore,

IT IS ORDERED that the judgment and order are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Christopher P. August is relieved of further representation of Woodson in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals