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DISTRICT I

June 17, 2019

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

2018AP1456-CRNM	State of Wisconsin v. Kendrae Damaal Buie (L.C. # 2017CF2138)
2018AP1457-CRNM	State of Wisconsin v. Kendrae Damaal Buie (L.C. # 2017CF2375)

Before Brash, P.J., Brennan 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).

Kendrae Damaal Buie appeals judgments convicting him of armed robbery and burglary, both as a party to a crime. Attorney Pamela Moorshead filed a no-merit report seeking to withdraw as appellate counsel. See Wis. Stat. Rule 809.32 (2017-18),¹ and *Anders v. California*,

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

386 U.S. 738, 744 (1967). Buie was informed of his right to respond, but he did not do so. After considering the no-merit report and conducting an independent review of the records, we conclude that there are no issues of arguable merit that Buie could raise on appeal. Therefore, we summarily affirm the judgments of conviction. *See* WIS. STAT. RULE 809.21.

The no-merit report addresses whether there would be arguable merit to a claim that Buie should be allowed to withdraw his guilty pleas. In order to ensure that a defendant is knowingly, intelligently, and voluntarily waiving the right to trial by entering a guilty plea, the circuit court must conduct a colloquy with a defendant to ascertain that the defendant understands the elements of the crimes to which he is pleading guilty, the constitutional rights he is waiving by entering his pleas, and the maximum potential penalties that could be imposed. *See* WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. The circuit court conducted a thorough plea colloquy with Buie, which addressed all of the factors enumerated in § 971.08. The circuit court also explained to Buie the effect of the two counts that were being dismissed and read in for purposes of sentencing. Therefore, we conclude that there would be no arguable merit to an appellate challenge to the pleas.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court misused its sentencing discretion. The circuit court sentenced Buie to fifteen years of initial confinement and eight years of extended supervision for armed robbery. The circuit court sentenced Buie to the maximum sentence of seven and one-half years of initial confinement and five years of extended supervision for burglary. The sentences were imposed concurrently with each other and with a sentence Buie was already serving. The circuit court said that Buie was fortunate that no one had been killed because Buie had, at one point, fled from the police driving one hundred miles per hour and ran two red lights at busy intersections. In

deciding that a substantial period of incarceration was necessary to protect the public, the circuit court emphasized Buie's extensive prior criminal record and the increasing dangerousness of his actions, culminating in the carjacking in broad daylight at gunpoint that formed the basis for the armed robbery charge. The circuit court considered the objectives of sentencing and applied the pertinent factors and circumstances of this case in accord with controlling law. The circuit court's sentencing decision comports with the framework set forth in *State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. Therefore, there would be no arguable merit to an appellate challenge to the sentences.

Our independent review of the record reveals no arguable basis for an appeal. Therefore, we affirm the judgments of conviction and relieve Attorney Pamela Moorshead of further representation of Buie.

Upon the foregoing,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Pamela Moorshead is relieved of further representation of Buie in these appeals. *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