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DISTRICT II

August 21, 2019

To:

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

2018AP2287-CRNM State of Wisconsin v. Equron Rawls (L.C. #2017CF71)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, 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).

Equron Rawls appeals from a judgment convicting him of several crimes. Rawls' appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and

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

Anders v. California, 386 U.S. 738 (1967). Rawls filed a response. Counsel then filed a supplemental no-merit report. After reviewing the record, counsel's reports, and Rawls' response, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. WIS. STAT. RULE 809.21.

Rawls was convicted following guilty pleas to three counts of delivering heroin, less than three grams, and one count of fleeing an officer. The charges stemmed from Rawls' sale of heroin to a confidential informant on multiple occasions and his subsequent flight from police when they tried to arrest him. The circuit court imposed an aggregate sentence of five years of initial confinement and five years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether Rawls' guilty pleas were knowingly, voluntarily, and intelligently entered. The record shows that the circuit court engaged in a colloquy with Rawls that satisfied the applicable requirements of WIS. STAT. § 971.08(1) and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. In addition, a signed plea questionnaire and waiver of rights form was entered into the record. We agree with counsel that a challenge to the entry of Rawls' guilty pleas would lack arguable merit.

The no-merit report also addresses whether the circuit court properly exercised its discretion at sentencing. The record reveals that the court's sentencing decision had a "rational and explainable basis." *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (citation omitted). The court considered the seriousness of the offenses, Rawls' character, and the need to protect the public. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Under the circumstances of the case, which were aggravated by Rawls' criminal history, the sentence imposed does not "shock public sentiment and violate the judgment of

reasonable people concerning what is right and proper.” *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We agree with counsel that a challenge to Rawls’ sentence would lack arguable merit.

As noted, Rawls filed a response to the no-merit report. In it, he questions the severity of his sentence, which we have already discussed. He also complains that the name of the confidential informant was withheld from him, violating his right of confrontation. This latter assertion is belied by the record.² In any event, we are not persuaded that Rawls’ response presents an issue of arguable merit.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Angela Conrad Kachelski of further representation in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Angela Conrad Kachelski is relieved of further representation of Rawls in this matter.

² Prior to the plea, defense counsel moved to compel the State to identify the confidential informant, which it did.

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

Sheila T. Reiff
Clerk of Court of Appeals