



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I

August 26, 2019

To:

Hon. Joseph R. Wall
Circuit Court Judge
Safety Building, Rm. 313
821 W. State St.
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
821 W. State Street, Rm. G-8
Milwaukee, WI 53233

Karen A. Loebel
Deputy District Attorney
821 W. State St.
Milwaukee, WI 53233

Nicole M. Masnica
Assistant State Public Defender
735 N. Water St., Ste. 912
Milwaukee, WI 53202-4105

Criminal Appeals Unit
Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

Danny Robinson 522045
Waupun Correctional Inst.
P.O. Box 351
Waupun, WI 53963-0351

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

2018AP2421-CRNM State of Wisconsin v. Danny Robinson (L.C. # 2017CF988)

Before Brash, P.J., Kessler 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).

Danny Robinson appeals from a judgment of conviction for armed robbery, as a party to the crime. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738 (1967). Robinson received a copy of the

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

report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, the judgment is summarily affirmed because we conclude that there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Robinson's mother reported to police that three partially masked men entered her home and stole money and oxycodone pills at gunpoint. She recognized Robinson as one of the gunmen, as well as a friend of his who had been over at her house the day before. Also in the home at the time of the robbery were the mother's boyfriend and Robinson's brother. They confirmed Robinson's role in the robbery. Robinson was charged as a party to the crime of armed robbery.

Just before jury selection was to start, Robinson decided to enter a no contest plea. The prosecution agreed to recommend a sentence of eight years of initial confinement and three years of extended supervision, to run concurrent to a sentence Robinson was already serving. The court accepted Robinson's no contest plea and, as Robinson requested, proceeded to sentencing right away. Robinson was sentenced to eight years of initial confinement and three years of extended supervision concurrent to the sentence he was then serving. He was not made eligible for either of the earned release programs.

The no-merit report addresses the potential issues of whether Robinson's plea was knowingly, voluntarily, and intelligently entered and whether the sentence was the result of an erroneous exercise of discretion or unduly harsh or excessive. We are satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

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

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Nicole M. Masnica is relieved from further representing Danny Robinson in this appeal. *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