



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 II

December 18, 2019

To:

Hon. Michael P. Maxwell
Circuit Court Judge
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Susan Lee Opper
District Attorney
515 W. Moreland Blvd., Rm. G-72
Waukesha, WI 53188-2486

Gina Colletti
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

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

Carl W. Chesshir
Chesshir Law Office
S101 W34417 Hwy LO, Ste. B
Eagle, WI 53119

Runny D. Summerville, #208481
Racine Correctional Inst.
P.O. Box 900
Sturtevant, WI 53177-0900

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

2019AP1109-CRNM State of Wisconsin v. Runny D. Summerville (L.C. #2017CF1731)

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).

Runny D. Summerville appeals from a judgment convicting him of robbery of a financial institution as a party to a crime. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967). Summerville

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

received a copy of the 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, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

Summerville was convicted following a guilty plea to robbery of a financial institution as a party to a crime. He was accused of jumping over the counter of a bank and forcing two tellers to take him to the vault and open it for him. He then made them kneel in the vault while he took money and fled.² The circuit court imposed a sentence of ten years of initial confinement and eight years of extended supervision. This no-merit appeal follows.

The no-merit report addresses potential issues of whether Summerville's plea was validly entered, whether the circuit court properly exercised its discretion at sentencing, and whether a new factor exists to modify the sentence. This court is satisfied that the no-merit report correctly 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 judgment of conviction, and discharges appellate counsel of the obligation to represent Summerville further in this appeal.

Upon the foregoing reasons,

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

² Two additional counts of false imprisonment were dismissed and read in.

IT IS FURTHER ORDERED that Attorney Carl W. Chesshir is relieved of further representation of Runny D. Summerville 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