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**DISTRICT I**

February 4, 2020

To:

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Safety Building Courtroom, #502  
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Demetrius Dwayne Taylor 583658  
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P.O. Box 900  
Portage, WI 53901-0900

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

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2017AP177-CRNM      State of Wisconsin v. Demetrius Dwayne Taylor  
(L.C. # 2014CF1613)

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).**

Demetrius Dwayne Taylor appeals from a judgment convicting him of felony murder. His appellate counsel, Steven Zaleski, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18) and *Anders v. California*, 386 U.S. 738 (1967).<sup>1</sup> Taylor received a copy of the

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<sup>1</sup> 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 as mandated by *Anders*, we conclude that the judgment may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

The criminal complaint charged Taylor with felony murder stemming from an incident that occurred on March 30, 2014. According to the complaint, Taylor and two other individuals approached the seventeen-year-old victim and his cousins as they walked down the street. During the course of the attempted robbery that followed, one of the individuals with Taylor fired a gun and shot the victim in the back. The victim died on the scene.

Taylor went to trial, and a jury found him guilty of felony murder. The trial court sentenced him to twenty-five years of initial confinement and seven years of extended supervision.

This appeal follows. The no-merit report is comprehensive and addresses, among other things, the potential issues of Taylor's competency, the sufficiency of the evidence, claims of ineffective assistance of counsel, and the trial court's exercise of its sentencing discretion. This court is satisfied that the no-merit report properly analyzes the issues it raises as being without

merit and that no procedural trial errors occurred.<sup>2</sup> We will not discuss any of those potential issues 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 the obligation to represent Taylor further in this appeal.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Steven Zaleski is relieved of further representation of Demetrius Dwayne Taylor in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*

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<sup>2</sup> This court placed this appeal on hold because the Wisconsin Supreme Court granted a petition for review in *State v. Trammell*, 2017AP1206-CR, unpublished slip op. (WI App May 8, 2018). At issue in *Trammell* was the continued viability of jury instruction WIS JI—CRIMINAL 140, an instruction that was given in Taylor’s case. The supreme court has since issued a decision in *Trammell*, holding “that WIS JI—CRIMINAL 140 does not unconstitutionally reduce the State’s burden of proof below the reasonable doubt standard.” *See State v. Trammell*, 2019 WI 59, ¶67, 387 Wis. 2d 156, 928 N.W.2d 564. Consequently, there would be no arguable merit to pursue postconviction proceedings based on the use of jury instruction WIS JI—CRIMINAL 140 at Taylor’s trial.