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May 12, 2020

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

2019AP1126-CRNM	State of Wisconsin v. Dante D. Fields (L.C. # 2016CF1642)
2019AP1127-CRNM	State of Wisconsin v. Dante D. Fields (L.C. # 2016CF2579)
2019AP1128-CRNM	State of Wisconsin v. Dante D. Fields (L.C. # 2016CF4398)
2019AP1129-CRNM	State of Wisconsin v. Dante D. Fields (L.C. # 2018CF797)

Before Brash, P.J., Dugan and White, 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).

Dante D. Fields appeals from judgments of conviction entered in four cases following a jury trial. His appellate counsel has filed no-merit reports and a supplemental no-merit report¹ pursuant to WIS. STAT. RULE 809.32 (2017-18), and *Anders v. California*, 386 U.S. 738 (1967). Fields received a copy of the reports, was advised of his right to file a response, and has elected not to do so. Upon consideration of the reports and an independent review of the records, the judgments are 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.

Between April 2016 and February 2018, Fields was charged with nineteen crimes in five separate cases. Fourteen of the crimes were charged as acts of domestic abuse and with Fields as a domestic abuse repeater. The crimes related to Fields' conduct directed at his ex-girlfriend, C.C., and included six counts of battery, two counts of intimidation of a victim, one count of strangulation, three counts of disorderly conduct, one count of criminal trespass, and one count of criminal damage to property. He was also charged with five counts of felony bail jumping.

A jury trial was held on four cases that included eleven separate charges.² At trial, C.C. did not testify. However, the trial court had previously granted the State's motion to admit C.C.'s statements to police under the forfeiture by wrongdoing doctrine. The court found that

¹ Appellate counsel did not move to consolidate these appeals although they were handled together for a jury trial and sentencing. *See* WIS. STAT. RULE 809.10(3) (2017-18). Rather, appellate counsel filed four separate no-merit reports. We consolidated the appeals by an October 31, 2019 order.

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

² One of the cases charged six crimes and was dismissed entirely. It is not part of this appeal. Two charges in another case were dismissed because the police officer whose testimony was needed to prove the offenses was not available for trial.

Fields had caused C.C.'s failure to appear at trial by the many threatening phone calls he made to her from jail. Three police officers and a 911 dispatch operator testified about C.C.'s reports that Fields had battered her and entered her apartment without permission. An investigator from the district attorney's office explained that Fields was out on bonds in four cases when he failed to appear for a scheduled court hearing. The jury found Fields guilty of three battery counts, four bail jumping counts, criminal trespass, disorderly conduct, and felony intimidation of a victim. He was acquitted on one of the bail jumping charges.

Fields was sentenced to consecutive and concurrent terms totaling five and one-half years of initial confinement and five years of extended supervision. Although no sentence credit was awarded at sentencing, two months after filing the no-merit notices of appeal, appointed counsel filed a motion in the trial court for sentence credit. The trial court granted Fields the sentence credit he was due.³

The no-merit report addresses whether the trial court properly admitted C.C.'s statements to police under the doctrine of forfeiture by wrongdoing, whether Fields' speedy trial rights were violated, sufficiency of the evidence, and whether there was any potential trial error regarding voir dire, opening and closing arguments, jury instructions, and the colloquy on Fields' decision to not testify. The report also discusses sentencing and concludes there is no arguable merit to a

³ The amended judgments of conviction do not appear in the records. On October 31, 2019, we required appointed counsel to file a supplemental no-merit report addressing sentence credit. Appellate counsel reported that she had filed an appropriate motion and it was granted. Appellate counsel failed to supplement the record with amended judgments of conviction. We rely on the circuit court clerk's docket entries reflecting that credit was granted. See *Kirk v. Credit Acceptance Corp.*, 2013 WI App 32, ¶5 n.1, 346 Wis. 2d 635, 829 N.W.2d 522 (stating that this court may take judicial notice of information entered by court staff on Wisconsin's Consolidated Court Automation Program website).

potential claim that the sentences were the result of an erroneous exercise of discretion. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further. We have also considered whether the trial court properly ruled on the contested issues surrounding admission of a 911 call and the jail call from Fields to C.C. just days before the trial. The trial court's rulings were proper and no issue of arguable merit exists.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit reports and supplemental no-merit report, affirms the convictions, and discharges appellate counsel of the obligation to represent Fields further in these appeals.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved from further representing Dante D. Fields 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