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May 19, 2020

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

2017AP2332-CRNM State of Wisconsin v. Michael Deshawn Gayfield
(L.C. # 2014CF2449)

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).

Michael Deshawn Gayfield appeals a judgment entered after a jury found him guilty of four crimes.[1] He also appeals an order denying postconviction relief.[2] His appellate counsel, Attorney Kaitlin A. Lamb, filed a no-merit report, contending that no grounds exist for a meritorious appeal. *See* WIS. STAT. RULE 809.32 (2017-18).[3] Gayfield filed a response.[4] At our request, Attorney Lamb filed a supplemental no-merit report to provide a more extensive discussion of several issues. Upon review of the no-merit reports, Gayfield's response, and an independent review of the record as mandated by ***Anders v. California***, 386 U.S. 738 (1967), we conclude that no arguably meritorious issues exist for an appeal. We summarily affirm.

According to the criminal complaint, J.M. told police that on June 2, 2014, Gayfield, her former live-in boyfriend, came to her Milwaukee, Wisconsin home. He brandished a handgun, argued with her, and then struck her in the head with the gun. After her family members compelled him to leave the home, she heard three or four gunshots. Police also spoke to P.J., who said that she was present in the home at the time of the incident. P.J. reported that she saw Gayfield with a gun and heard him say, "I'll shoot you too." After he left the home, P.J. heard

[1] The Honorable Mel Flanagan presided over the trial and sentencing proceedings and entered the judgment of conviction. We refer to Judge Flanagan as the trial court.

[2] Gayfield filed two postconviction motions before postconviction proceedings were resolved with a final postconviction order. The Honorable Michelle Ackerman Havas presided over Gayfield's first postconviction motion and the Honorable Dennis Flynn presided over Gayfield's second postconviction motion. We refer to both Judge Havas and Judge Flynn as the circuit court.

[3] All subsequent references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

[4] The response that we received from Gayfield was unsigned and stated on the first and last pages that it was prepared by a third-party who described himself as a jailhouse lawyer. We notified Gayfield that he must either submit a signed statement adopting the submission as his own or submit a different response. Gayfield notified us in a signed writing that he adopted the third-party's submission.

two gunshots. W.M. told police that he was also present in the home during the occurrence. W.M. said he saw Gayfield punch J.M. in the head, and W.M. said that he then pushed Gayfield out of the residence. W.M. next saw Gayfield fire two shots into the air. The State went on to allege that in 2010, Gayfield was convicted of a felony in Milwaukee County, and the State attached certified documents reflecting that the felony remained of record. The State charged Gayfield, as a repeat offender, with the felony offense of possessing a firearm as a felon and with the misdemeanor offenses of battery as an act of domestic abuse, disorderly conduct by use of a dangerous weapon as an act of domestic abuse, and endangering safety by use of a dangerous weapon as an act of domestic abuse.

Gayfield was unable to post bail after police took him into custody on August 3, 2014, and following his preliminary examination, he demanded a speedy trial. A four-day jury trial began on November 10, 2014. At the conclusion of the proceedings, the jury found Gayfield guilty as charged of possessing a firearm as a felon, battery, disorderly conduct by use of a dangerous weapon, and endangering safety by use of a dangerous weapon. The trial court found that the three misdemeanor offenses were acts of domestic abuse and that Gayfield was a repeat offender as to all four crimes.

At sentencing, Gayfield faced maximum penalties as follows:

> ● for possessing a firearm as a felon as a repeat offender, a fourteen-year term of imprisonment and a $25,000 fine, *see* WIS. STAT. §§ 941.29(2)(a), 939.50(3)(g), 939.62(1)(b).
>
> ● for battery as a repeated offender, a two-year term of imprisonment and a $10,000 fine, *see* WIS. STAT. §§ 940.19(1), 939.51(3)(a), 939.62(1)(a).
>
> ● for disorderly conduct by use of a dangerous weapon as a repeat offender, a two-year term of imprisonment and a $1000 fine, *see*

> WIS. STAT. § 947.01(1), 939.51(3)(b), 939.63(1)(a), 939.62(1)(a); and
>
> ● for endangering safety by use of a dangerous weapon as a repeat offender, a two-year term of imprisonment and a $10,000 fine, *see* WIS. STAT. § 941.20(1)(d), 939.51(3)(a), 939.62(1)(a).

For the felony offense of possessing a firearm as a felon, the trial court imposed a four-year term of imprisonment bifurcated as one year of initial confinement and three years of extended supervision. For each of the three misdemeanor convictions, the trial court imposed an evenly bifurcated two-year term of imprisonment. The trial court ordered Gayfield to serve the four sentences consecutively and denied him eligibility for the challenge incarceration program and the Wisconsin substance abuse program.

Gayfield filed a postconviction motion seeking eligibility for the challenge incarceration program and the Wisconsin substance abuse program. The circuit court denied the motion. Gayfield, by Attorney Lamb, then pursued a no-merit appeal, but voluntarily dismissed that appeal upon determining that the case presented additional arguably meritorious issues for postconviction review. *See* ***State v. Gayfield***, No. 2016AP1744-CRNM, unpublished op. and order (WI App May 15, 2017). Gayfield next filed a postconviction motion seeking relief from some of the domestic abuse modifiers and all of the domestic abuse surcharges, and he further requested a new trial on the ground that his trial counsel was ineffective for failing to object to certain evidence during trial. Following briefing, the circuit court granted relief from the domestic abuse surcharge imposed upon his conviction for endangering safety, otherwise denied relief related to the domestic abuse modifiers and surcharges, and scheduled a hearing on the claim that trial counsel was ineffective. At the hearing, trial counsel testified and identified his reasons for not objecting to the evidence in question. The circuit court concluded that trial

counsel was not ineffective and denied Gayfield a new trial. He now pursues the instant no-merit appeal.

We first address whether the evidence at trial was sufficient to sustain the convictions. We conclude that it was.

Before the jury could convict Gayfield of possessing a firearm as a felon, the State was required to prove beyond a reasonable doubt that: (1) Gayfield possessed a firearm; and (2) he had previously been convicted of a felony. *See* WIS. STAT. § 941.29(2)(a); WIS JI—CRIMINAL 1343. Before the jury could convict Gayfield of battery, the State was required to prove beyond a reasonable doubt that: (1) he caused bodily harm to J.M.; (2) he intended to cause her bodily harm; (3) he caused her bodily harm without her consent; and (4) he knew that she did not consent. *See* WIS. STAT. § 940.19(1); WIS JI—CRIMINAL 1220. Before the jury could convict Gayfield of disorderly conduct by use of a dangerous weapon, the State was required to prove beyond a reasonable doubt that: (1) he engaged in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorder conduct; (2) his conduct under the circumstances tended to cause or provoke a disturbance; and (3) he committed the crime while using a dangerous weapon. *See* WIS. STAT. § 947.01(1), WIS JI—CRIMINAL 1900, 990. Finally, before the jury could convict Gayfield of endangering safety by use of a dangerous weapon, the State was required to prove beyond a reasonable doubt that: (1) he discharged a firearm; (2) he shot the gun while on lands that belonged to someone else; (3) he shot the gun within 100 yards of a building devoted to human occupancy and situated on and attached to the lands of another; and (4) he shot the gun without the express permission of the owner or occupant of the building. *See* WIS. STAT. § 941.20(1)(d); WIS JI—CRIMINAL 1323.

J.M. testified that Gayfield came to her home on June 2, 2014, and they argued. She said that she hit him with her fist and threw things at him, including a pot, a shoe, and a can. She said that Gayfield pushed her in response, but did not hit her back. After he left, she heard gunshots. J.M. acknowledged telling police that Gayfield had a gun and that he hit her with it during the incident. She testified, however, that she made those statements out of anger and spite and that she did not see Gayfield with a gun.

Victim Witness Advocate Sue Cooper testified that she interviewed J.M. two days after the incident. During the interview, J.M. said that Gayfield hit her in the head with a gun.

P.J. testified that she lives with J.M. and that she is Gayfield's cousin. She said that Gayfield was at her home on June 2, 2014, but she never saw him with a gun and never told police that she saw him with a gun.

Officer Andrew Gallenberg testified that he interviewed both J.M. and P.J. on the night of the incident. J.M. said that Gayfield struck her in the head and shoulder with a handgun. P.J. said that she saw Gayfield holding a black handgun and that when she asked him to leave the home, he said: "I will shoot you too."

W.M. testified that he is J.M.'s brother and that he observed Gayfield with J.M. at her home on June 2, 2014. W.M. said he forced Gayfield out of the house after seeing him push J.M. W.M. testified that he did not tell police that he saw Gayfield with a gun and in fact did not see Gayfield with a gun on June 2, 2014. W.M. also denied seeing Gayfield strike J.M.

Officer Hector Claudio testified that he interviewed W.M. after the incident.[5] During the interview, W.M. said that Gayfield and J.M. had a fight, so W.M. pushed Gayfield out of J.M.'s home. W.M. then saw Gayfield fire two shots into the air.

Officer Michael Braunreither testified that late in the evening of June 2, 2014, he and his partner, Claudio, responded to J.M.'s home. Braunreither conducted an investigation and found two shell casings on the side of J.M.'s house. Additionally, he canvassed the area looking for additional witnesses or suspects and did not find any.

Amy Lagueux testified that she was a witness protection analyst employed by the Milwaukee County District Attorney and that her primary job duty was listening to telephone calls that inmates placed to parties outside the jail. She said that she listened to calls placed on November 9, 2014, and November 10, 2014, from the Milwaukee County House of Correction to the telephone number that J.M. provided to the district attorney. She explained that inmates must enter a personal identification number (PIN) to make a telephone call. She went on to say that the calls to J.M. on November 9, 2014, and November 10, 2014, were not made with Gayfield's PIN but were placed from Gayfield's housing unit. Lagueux further testified that, between the dates of August 3, 2014, when Gayfield was taken into custody, and November 9, 2014, approximately ninety calls were placed from his housing unit to J.M.'s number.

The jury listened to a recording of the call placed to J.M. on November 10, 2014. During the call, the male caller said that as "long as [expletive] plead the fifth and don't take the stand, it

[5] The transcript indicates that Claudio spoke to W.M. on the night of "June 12, 2014." This appears to be a typographical error, as he subsequently refers to his actions the "next day ... on June 3."

will be all good" and "without a[n expletive], they ain't got no case, as long as a[n expletive] don't say nothing against me, I should be good, I guess."

Gayfield stipulated that he was a felon and that he was prohibited from possessing a firearm. In addition, he took the stand in his own defense and acknowledged that he was a convicted felon who could not possess a firearm. He went on to testify that on June 2, 2014, J.M. was angry with him because he had been unfaithful to her, so she hit him and threw things at him. He said he did not hit her but acknowledged pushing her away. Gayfield admitted that on November 10, 2014, he placed the call to J.M. that the State had played for the jury. He also admitted that he called J.M. approximately ninety times even though a no-contact order was in place prohibiting him from having any contact with her.

When this court considers the sufficiency of the evidence presented at trial, we apply a highly deferential standard. *See* ***State v. Kimbrough***, 2001 WI App 138, ¶12, 246 Wis. 2d 648, 630 N.W.2d 752. "We may not reverse unless the evidence is so insufficient in probative value and force that as a matter of law, no reasonable fact finder could have determined guilt beyond a reasonable doubt." ***Id.*** In light of our deferential standard of review, we agree with appellate counsel that Gayfield could not pursue an arguably meritorious challenge to the sufficiency of the evidence. In reaching that conclusion, we have considered Gayfield's assertions that the evidence was not sufficient to sustain any of the four convictions. His assertions rest primarily on his belief that the State offered "no direct or circumstantial evidence to prove" that he possessed or used a firearm. That belief is groundless, as our summary of the evidence reflects. We conclude that pursuit of his arguments would be frivolous within the meaning of ***Anders***, and that further discussion of the sufficiency of the evidence is unwarranted.

We next consider appellate counsel's conclusion that Gayfield could not pursue an arguably meritorious claim that he was deprived of his right to a jury trial on the charge of possessing a firearm by a felon. Appellate counsel begins by acknowledging that, while Gayfield stipulated that he was a felon as of June 2, 2014, the trial court did not engage him in a colloquy that clearly demonstrated his personal waiver of the right to have the jury decide the issue. *See* ***State v. Livingston***, 159 Wis. 2d 561, 569, 464 N.W.2d 839 (1991) (requiring the defendant personally to waive the right to a jury trial). The trial court did, however, instruct the jury as to every element of the offense. As appellate counsel correctly explains, the issue is therefore squarely controlled by ***State v. Benoit***, 229 Wis. 2d 630, 600 N.W.2d 193 (Ct. App. 1999). There, we concluded that when a defendant stipulates to an element of an offense and the jury is also instructed as to all of the elements with the trial court playing no role as fact finder, the defendant has received a jury trial on all elements and an express personal waiver is not required. *See* ***id.*** at 638. The rule's reach includes circumstances where, as here, the jury is told that one of the elements on which it has been instructed is considered proven based on the stipulation. *See* ***id.*** Further pursuit of this issue would be frivolous within the meaning of ***Anders***.

Appellate counsel and Gayfield both discuss whether he could pursue an arguably meritorious challenge to the trial court's ruling admitting evidence, over his objection, that he made calls to J.M. from the jail both on the night before trial began and following the close of the first day of trial proceedings. We agree with appellate counsel's conclusion that the issue lacks merit.

The admissibility of evidence lies in the trial court's sound discretion. *See* ***State v. Pepin***, 110 Wis. 2d 431, 435, 328 N.W.2d 898 (Ct. App. 1982). Pursuant to WIS. STAT. § 904.04 (2)(a),

the trial court may not admit evidence of other acts to prove the defendant's character, but may admit the evidence for a proper purpose, "such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." *See* ***id.*** To determine the admissibility of other-acts evidence, the trial court is required to engage in a three-step inquiry. *See* ***State v. Sullivan***, 216 Wis. 2d 768, 771-73, 576 N.W.2d 30 (1998). The trial court must first determine whether the evidence is offered for an acceptable purpose under § 904.04(2). *See* ***State v. Payano***, 2009 WI 86, ¶61, 320 Wis. 2d 348, 768 N.W.2d 832. If so, the trial court must determine whether the evidence is relevant and then whether the probative value of the evidence is substantially outweighed by the danger of unfair prejudice. *See* ***id.***, ¶¶67, 80.

Here, the trial court concluded that the two jail calls were admissible to show consciousness of guilt. Although consciousness of guilt is not specifically listed in WIS. STAT. § 904.04(2) as an acceptable purpose for other-acts evidence, the list is illustrative, not exhaustive, *see* ***Payano***, 320 Wis. 2d 348, ¶63 n.12, and consciousness of guilt is a well-established basis for admitting such evidence, *see* ***State v. Bettinger***, 100 Wis. 2d 691, 698, 303 N.W.2d 585 (1981). Next, the trial court found that the evidence was relevant because it showed that Gayfield was trying to "tamper with a witness." Additionally, the evidence served to explain the difference between J.M.'s statements to police incriminating Gayfield and the testimony she gave at trial exculpating him. The trial court agreed that the evidence was prejudicial but rejected the argument that the prejudice outweighed the probative value of demonstrating Gayfield's efforts to affect a witness's testimony immediately before and during his trial. The record supports the trial court's discretionary decision to admit the evidence. Further pursuit of this issue would be frivolous within the meaning of ***Anders***.

We turn to whether Gayfield could pursue an arguably meritorious appeal of the circuit court's postconviction order rejecting his claim that trial counsel was ineffective. The circuit court concluded that trial counsel was not ineffective for failing to object to evidence that Gayfield made ninety calls to J.M. between August 3, 2014, and November 9, 2014, and that he was subject to an order prohibiting contact with her during that period. Gayfield asserts that the circuit court erred, but we agree with appellate counsel that further pursuit of the issue would lack arguable merit.

A defendant who claims that trial counsel was ineffective must show that trial counsel's performance was deficient and that the deficiency prejudiced the defense. *See* ***Strickland v. Washington***, 466 U.S. 668, 687 (1984). "'[B]oth the performance and prejudice components of the ineffectiveness inquiry are mixed questions of law and fact.' Thus, we will not reverse the circuit court's findings of fact, that is, the underlying findings of what happened, unless they are clearly erroneous." ***State v. Pitsch***, 124 Wis. 2d 628, 633-34, 369 N.W.2d 711 (1985) (citation omitted). Whether trial counsel's performance was deficient and whether the deficiency prejudiced the defense are questions of law that we review *de novo*. *See* ***id.*** at 634.

To demonstrate deficient performance, the defendant must show specific acts or omissions of counsel that are "outside the wide range of professionally competent assistance." ***Strickland***, 466 U.S. at 690. To demonstrate prejudice, "[t]he defendant must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." ***Id.*** at 694. If a defendant fails to satisfy one prong of the analysis, the court need not address the other. *See* ***id.*** at 697.

Here, trial counsel testified at a postconviction hearing that he elected as a matter of strategy not to object to testimony that Gayfield called J.M. ninety times. He explained that J.M. "took so many calls that [the defense] argument later on was that she was not intimidated or coerced in any way in her testimony, that she gave credible testimony." Further, trial counsel concluded that the calls "would help [the defense] case in that she took all those calls from [Gayfield]." Thus, trial counsel reasoned that the ninety calls demonstrated J.M.'s support for Gayfield and tended to refute the suggestion that she testified as she did because he intimated or threatened her in the final calls on November 9 and November 10, 2014.

As to the decision not to object to evidence of the no-contact order, trial counsel explained that the strategy was "similar .... [E]ven with the no-contact order, [J.M.] took the calls from Mr. Gayfield voluntarily. She could have not answered. And I think that went to basically ... that she voluntarily and truthfully came forward with her testimony and it wasn't in a coerced way by Mr. Gayfield's influence."

Trial counsel's testimony at the postconviction hearing was entirely consistent with the theory of defense presented during closing argument:

> I also don't know if [J.M.] would be afraid of [Gayfield]. She said today she loves him. Would she be afraid of him and threatened by what he said? I don't think so. She had ninety phone calls with him. If she was afraid of him and didn't want to talk to him, she didn't have to answer the phone. He wasn't supposed to call her, but she answered the phone all those times. It was really on her. Willing on her part. She didn't have to talk to him. She could have told the police, hey, he's calling me. She didn't do that.

The circuit court credited trial counsel's testimony. In denying the motion for postconviction relief, the circuit court found: "the idea was strategy, to show that [J.M.] testifying was not impacted or fearful or testifying somehow under the control of the defendant.

That's a strategy decision." The circuit court went on to find that "the calls were relevant and they were relevant really to the theory of defense in terms of this witness testifying truthfully and honestly in spite of the no-contact order and the number of calls being made."

We afford a strong presumption of reasonableness to the trial strategy selected by trial counsel. *See* ***State v. Breitzman***, 2017 WI 100, ¶65, 378 Wis. 2d 431, 904 N.W.2d 93. "In fact, where a lower court determines that counsel had a reasonable trial strategy, the strategy is virtually unassailable in an ineffective assistance of counsel analysis." ***Id.*** (citation omitted). In light of ***Breitzman*** and the circuit court's determination here, we conclude that Gayfield cannot pursue an arguably meritorious claim that trial counsel performed deficiently by not objecting to evidence of either Gayfield's many telephone calls to J.M. or the no-contact order in this case. Because Gayfield cannot satisfy the deficiency prong of the ***Strickland*** analysis, further pursuit of this issue would lack arguable merit. *See* ***id.***, 466 U.S. at 697.[6]

We next consider the sentencing proceedings. We agree with appellate counsel that the trial court properly exercised its sentencing discretion in fashioning Gayfield's sentences. *See* ***State v. Gallion***, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. The trial court indicated that deterrence and Gayfield's rehabilitation were the primary sentencing objectives, and the trial

[6] Gayfield suggests in his response to the no-merit report that he has an additional basis for claiming that his trial counsel was ineffective, namely, trial counsel's failure to pursue a theory of self-defense to the battery charge. Such a claim would lack arguable merit. "Trial counsel may select a particular defense from the available alternative defenses, and need not undermine the chosen defense by presenting the jury with inconsistent alternatives." ***State v. Hubanks***, 173 Wis. 2d 1, 28, 496 N.W.2d 96 (Ct. App. 1992) (citation omitted). Here, trial counsel focused the jury on holding the State to its burden of proving that Gayfield intentionally harmed J.M. and argued at closing that, given the different versions of the incident offered by the various witnesses at various times, "it's a little fuzzy what exactly happened.... [She] said that maybe [Gayfield] pushed her off of himself." In light of the varying stories presented by the prosecution's witnesses, trial counsel's chosen defense was reasonable. Further pursuit of this issue would be frivolous within the meaning of ***Anders v. California***, 386 U.S. 738 (1967).

court discussed appropriate factors that it viewed as relevant to achieving those objectives. *See* ***id.***, ¶¶41-43. Moreover, none of the sentences exceeded the maximum terms of imprisonment allowed by law, and the aggregate ten-year term of imprisonment imposed was far less than the aggregate twenty years of imprisonment and $46,000 fine that Gayfield faced upon conviction. Gayfield therefore cannot mount an arguably meritorious claim that his sentences are excessive or shocking. *See* ***State v. Mursal***, 2013 WI App 125, ¶26, 351 Wis. 2d 180, 839 N.W.2d 173.

We also agree with appellate counsel that Gayfield could not pursue an arguably meritorious challenge to the circuit court's order denying his postconviction motion seeking eligibility to participate in the challenge incarceration program and the Wisconsin substance abuse program. *See* WIS. STAT. §§ 302.045, 302.05.[7] The challenge incarceration program and the Wisconsin substance abuse program are prison treatment programs. Upon successful completion of either program, an inmate's remaining initial confinement time is converted to time on extended supervision. *See* §§ 302.045(3m)(b)1., 302.05(3)(c)2.a. A sentencing court normally exercises its discretion when determining a defendant's eligibility for these programs. *See* WIS. STAT. § 973.01(3g)-(3m).[8] Gayfield argued that the trial court erroneously exercised its discretion here by concluding that, because his crimes involved domestic violence, he was

[7] Gayfield sought a declaration of eligibility to participate in the challenge incarceration program and the Wisconsin substance abuse program while serving the sentences for all of his crimes except battery. A person serving a sentence for battery is statutorily disqualified from participation in either program because the crime is included in WIS. STAT. ch. 940. *See* WIS. STAT. §§ 302.045(2)(c), 302.05(3)(a)1.

[8] The Wisconsin substance abuse program was formerly known as the earned release program. Effective August 3, 2011, the legislature renamed the program. *See* 2011 Wis. Act 38, § 19; WIS. STAT. § 991.11. The program is identified by both names in the Wisconsin Statutes. *See* WIS. STAT. §§ 302.05, 973.01(3g).

statutorily barred from participation. The circuit court agreed that the trial court erred but nonetheless denied relief.

A circuit court has a chance to further clarify sentencing decisions when challenged by a postconviction motion. *See* ***State v. Fuerst***, 181 Wis. 2d 903, 915, 512 N.W.2d 243 (Ct. App. 1994). Here, the circuit court found in the postconviction proceedings that Gayfield was ineligible to participate in the prison programs because "the full duration of initial confinement [imposed] is necessary to achieve the sentencing goals." That is an entirely appropriate exercise of discretion. *See* ***State v. Owens***, 2006 WI App 75, ¶11, 291 Wis. 2d 229, 713 N.W.2d 187. Because the circuit court properly exercised its discretion in resolving Gayfield's motion for sentence modification, an appellate challenge to that decision would lack arguable merit.

Last, appellate counsel examines the circuit court's decisions resolving Gayfield's postconviction challenges to some of the domestic abuse modifiers and domestic abuse surcharges applied in this case. We are satisfied that appellate counsel thoroughly and correctly analyzes these issues, and we agree that Gayfield could not pursue an arguably meritorious challenge to those postconviction decisions. Further discussion of these issues is not warranted.

Our independent review of the record does not disclose any other issue warranting discussion as a potential basis for appeal. We therefore accept the no-merit report and relieve Attorney Lamb of further representation of Gayfield.

IT IS ORDERED that the judgment of conviction and the postconviction order are summarily affirmed. *See* WIS. STAT. RULE 809.21 (2017-18).

IT IS FURTHER ORDERED that Attorney Kaitlin A. Lamb is relieved of any further representation of Michael Deshawn Gayfield. *See* WIS. STAT. RULE 809.32(3) (2017-18).

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

Sheila T. Reiff
Clerk of Court of Appeals