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DISTRICT III

August 11, 2020

To:

Hon. Gregory J. Strasser
Circuit Court Judge
Marathon County Courthouse
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Wausau, WI 54403

Shirley Lang
Clerk of Circuit Court
Marathon County Courthouse
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Wausau, WI 54403

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

2019AP332-CRNM State of Wisconsin v. Daniel D. Allen (L. C. No. 2018CF204)

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).

Counsel for Daniel Allen has filed a no-merit report concluding there is no basis to challenge Allen's judgment of conviction for possession with intent to deliver methamphetamine, and for possession with intent to deliver heroin, both counts as a party to a crime, repeaters, and as second or subsequent offenses. Allen was advised of his right to respond and has not responded. Upon our independent review of the record as mandated by *Anders v.*

California, 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal, and we summarily affirm. *See* WIS. STAT. RULE 809.21 (2017-18).¹

Sheriff's deputies were dispatched to the Marathon County Jail regarding a report of an inmate possessing methamphetamine. An investigation revealed that Allen, who was an inmate, had provided the methamphetamine to another inmate. Multiple plastic baggies containing heroin, methamphetamine, and Xanax were found on Allen's person inside the jail facility.

Allen was subsequently charged with: (1) delivery of methamphetamine, as a repeater, second and subsequent offense; (2) possession with intent to deliver methamphetamine, as a party to a crime, repeater, second and subsequent offense; (3) possession with intent to deliver heroin, as a party to a crime, repeater, second and subsequent offense; (4) possession with intent to deliver schedule IV drugs, repeater, second and subsequent offense; and (5) resisting an officer. Pursuant to a plea agreement with the State, Allen pleaded no contest to Counts 2 and 3, and the remaining charges were dismissed and read in. The circuit court sentenced Allen in accordance with a joint sentencing recommendation to seven years' initial confinement and five years' extended supervision.

The no-merit report addresses potential issues regarding whether Allen's pleas were knowingly, intelligently, and voluntarily entered, and whether the circuit court properly exercised its sentencing discretion. Upon our independent review of the record, we agree with counsel's description, analysis, and conclusion that any challenge to these issues would lack

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

arguable merit, and we will not further address them. Our independent review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Angela Dawn Wenzel is relieved of her obligation to further represent Daniel Allen in this matter. *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