



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 IV

December 3, 2020

To:

Hon. Karl Hanson
Circuit Court Judge
Rock County Courthouse
51 S. Main St.
Janesville, WI 53545

Jacki Gackstatter
Clerk of Circuit Court
Rock County Courthouse
51 S. Main St.
Janesville, WI 53545

Gerald A. Urbik
Assistant District Attorney
51 S. Main St.
Janesville, WI 53545

Vicki Zick
Zick Legal LLC
P.O. Box 325
Johnson Creek, WI 53038

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

Darrell LaQuinn Logan 442639
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:

2019AP1083-CRNM State of Wisconsin v. Darrell LaQuinn Logan (L.C. # 16CF1331)

Before Blanchard, Kloppenburg, and Nashold, 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).

Attorney Vicki Zick, appointed counsel for Darrell Logan, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967). Logan was sent a copy of the report and has not

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

filed a response. Upon consideration of the report and an independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal. Accordingly, we affirm.

The parties entered into a plea agreement under which Logan pled guilty to one count of second-degree recklessly endangering safety and one count of felony bail jumping, both as a repeater. Six other charges against Logan were dismissed and read in. On the endangering safety count, the circuit court sentenced Logan to a prison term consisting of five years of initial confinement and five years of extended supervision. On the bail jumping count, the court sentenced Logan to a prison term consisting of two years of initial confinement and three years of extended supervision. The court imposed the two prison terms concurrent with one another but consecutive to any other sentence that Logan was currently serving.

The no-merit report addresses whether Logan's plea was knowing, intelligent, and voluntary. We agree with counsel that there is no arguable merit to this issue. The circuit court's plea colloquy, including the court's references to the plea questionnaire and waiver of rights form, sufficiently complied with the requirements of WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, relating to the nature of the charges, the rights Logan was waiving, the increased penalties he faced as a repeater, and other matters.

The no-merit report next addresses whether the circuit court erroneously exercised its sentencing discretion. We agree with counsel that there is no arguable merit to this issue. The circuit court's sentencing remarks show that the court considered the required sentencing factors

along with other relevant factors, and that the court did not rely on any inappropriate factors. *See State v. Gallion*, 2004 WI 42, ¶¶37-49, 270 Wis. 2d 535, 678 N.W.2d 197.

Finally, the no-merit report addresses as a separate sentencing issue whether Logan was improperly sentenced as a repeater. We agree with counsel that there is no arguable merit to this issue. First, there was information in the PSI report that, along with Logan's admissions on the record, established Logan's repeater status. Second, the circuit court did not increase Logan's sentence based on his repeater status. We see no other arguable basis for Logan to challenge his sentence.

Our review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved of any further representation of Darrell Logan 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