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DISTRICT II

December 9, 2020

To:

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

2019AP1691-CRNM	State of Wisconsin v. Dontrell T. Davis (L.C. #2017CF539)
2019AP1692-CRNM	State of Wisconsin v. Dontrell T. Davis (L.C. #2017CF580)

Before Neubauer, C.J., Reilly, P.J., and Davis, J.

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).

In these consolidated appeals, Dontrell Davis appeals¹ from judgments convicting him on his guilty pleas of possessing tetrahydrocannabinols with intent to deliver as a repeater contrary

¹ In *State v. Davis*, 2019AP1691-CRNM, we deem the appeal to be taken from the July 24, 2018 corrected judgment of conviction which correctly states the sentence imposed.

to WIS. STAT. § 961.41(1m)(h)1 (2017-18)² and possession of tetrahydrocannabinols with intent to deliver/manufacture as a repeat offender contrary to § 961.41(1)(h)1. Davis’s appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Davis received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgments because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

The circuit court sentenced Davis to consecutive sentences of five and four years, each enhanced by his status as a repeat offender. Davis received sentence credit and was deemed eligible for the Challenge Incarceration Program and Substance Abuse Program.

The no-merit report addresses the following possible appellate issues: (1) whether Davis’s guilty pleas were knowingly, voluntarily, and intelligently entered and (2) whether the circuit court misused its sentencing discretion. After reviewing the record, we conclude that counsel’s no-merit report properly analyzes these issues and correctly determines that these issues lack arguable merit.

The plea colloquy complied with *State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794. The colloquy was thorough and informed Davis of each of the constitutional rights waived by his pleas. “[A] guilty plea waives all nonjurisdictional defects and defenses.” *State v. Popp*, 2014 WI App 100, ¶13, 357 Wis. 2d 696, 855 N.W.2d 471 (citation omitted). A challenge to the entry of Davis’s guilty pleas would lack arguable merit for appeal.

² All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

The circuit court also engaged in a proper exercise of sentencing discretion after considering various sentencing factors. *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (we review the sentence for a misuse of discretion); *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (sentencing objectives and factors discussed). During the plea colloquy, Davis admitted his repeater status arising from his prior convictions, and the circuit court properly imposed enhanced sentences.

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any arguably meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report, affirm the judgments of conviction, and relieve Attorney Mark Rosen of further representation of Davis in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Mark S. Rosen is relieved of further representation of Dontrell Davis in this matter.

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

Sheila T. Reiff
Clerk of Court of Appeals