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March 2, 2021

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

2020AP415-CRNM State of Wisconsin v. Marco R. Felipe (L.C. # 2017CF5142)

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).

Marco R. Felipe appeals from a judgment of conviction for being a party to the crimes of armed robbery, burglary while armed with a dangerous weapon, and first-degree recklessly endangering safety by use of a dangerous weapon. His appellate counsel has filed a no-merit report

pursuant to WIS. STAT. RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738 (1967). Felipe received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, as mandated by *Anders*, the judgment is summarily affirmed because we conclude that there is no arguable merit to any issue that could be raised on appeal.² See WIS. STAT. RULE 809.21.

The convictions arise from two home invasions in which Felipe participated along with other individuals. Felipe acted as the lookout during the first home invasion and did not enter the home. The group of intruders entered the home brandishing firearms. Sleeping residents of the home, including children, were awakened and one person was beaten as the intruders demanded money, drugs, and guns. Twelve days later, at a second home, Felipe gained access to the home by climbing through a window and let the other intruders into the home. Again, sleeping residents, including children, were awakened and one person beaten as the intruders looked for money. Felipe entered guilty pleas and the prosecution agreed to not charge Felipe with additional crimes related to the events recited in the criminal complaint. Felipe was subsequently sentenced to a total of fifteen years of initial confinement and nine years of extended supervision.

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

² This appeal was originally decided September 15, 2020. The matter was taken under reconsideration after Marco R. Felipe indicated that he requested transcripts from appointed appellate counsel and was not provided with the requested transcripts. See WIS. STAT. RULE 809.32(1)(d). Appointed appellate counsel responded that he believed he had sent the transcripts to Felipe, but that he sent transcripts again on October 19, 2020. The opinion and order was withdrawn on October 26, 2020. Felipe was given until December 28, 2020 to file a response to the no-merit report. No response was filed.

The no-merit report addresses the potential issues of whether Felipe's pleas were knowingly, voluntarily, and intelligently entered³ and whether the sentence imposed was the result of an erroneous exercise of discretion or unduly harsh or excessive. This court is satisfied that the no-merit report properly analyzes the issues it raises as being without merit, and this court will not discuss them further.

Our review of the record discloses no other potential meritorious issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Felipe further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Thomas J. Erickson is relieved from further representing Marco R. Felipe in this appeal. *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

³ The no-merit report indicates that the circuit court did not advise Marco Felipe of the immigration consequences of his guilty pleas and concludes no arguably meritorious issue exists because Felipe is a United States citizen. However, the circuit court did give the warning and did so in reference to the plea questionnaire.