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DISTRICT I

August 31, 2021

To:

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Circuit Court Judge
Electronic Notice

John Barrett
Clerk of Circuit Court
Milwaukee County
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You are hereby notified that the Court has entered the following opinion and order:

2019AP1511-CR State of Wisconsin v. Shannon Satne Blanks (L.C. # 2015CF3878)

Before Donald, P.J., Blanchard and Dugan, 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).

Shannon Satne Blanks appeals a judgment convicting him of two counts of first-degree recklessly endangering safety, with use of a dangerous weapon, and one count of unlawfully possessing a firearm after being convicted of a felony. Blanks argues that the circuit court erroneously exercised its discretion when it allowed the State to introduce evidence at trial regarding threats Blanks made to S.G., an eyewitness. After review of the briefs and record, we

conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).¹ We affirm.

The complaint alleged that Blanks fired a gun into a group of people gathered outside a home for a family birthday party, injuring two people. At trial, the State sought to introduce evidence that Blanks threatened S.G. several days after the shooting. S.G. was prepared to testify that Blanks accused her of lying to the police when she told them that she saw Blanks fire a gun into the crowd, and that Blanks threatened to kill S.G., her mother, her daughter, and her daughter's father. Blanks objected to the testimony, arguing that it was not relevant or, even if it was relevant, its probative value was substantially outweighed by the danger of unfair prejudice. The circuit court ruled that the testimony was admissible because it was relevant to show consciousness of guilt. The circuit court also ruled that it was admissible to show why S.G. told police that she did not see who fired the shots when she was questioned at the scene immediately after the shooting, but then told the police several hours later that she saw Blanks fire a gun into the crowd. S.G. explained that she was afraid of retaliation when the police first questioned her. The jury convicted Blanks of all three charges against him.

Relevant evidence is “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” WIS. STAT. § 904.01. “It is generally acknowledged that evidence of criminal acts of an accused which are intended to obstruct justice or avoid punishment are admissible to prove a consciousness of guilt of the principal criminal charge.”

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

State v. Bauer, 2000 WI App 206, ¶6, 238 Wis. 2d 687, 617 N.W.2d 902 (citation omitted). Evidentiary rulings are committed to the circuit court’s discretion. *Id.*, ¶5. We will reverse a circuit court’s discretionary decision only if the circuit court “applied the wrong legal standard or did not ground its decision on a logical interpretation of the facts.” *State v. Wiskerchen*, 2019 WI 1, ¶18, 385 Wis. 2d 120, 921 N.W.2d 730 (citation omitted).

Blanks argues that the circuit court erroneously exercised its discretion in allowing S.G. to testify about the threats he made to her. He contends that he threatened S.G. because he was frustrated that he was wrongfully accused, not because he was guilty.

Here, based on precedent that includes *Bauer*, the circuit court properly ruled that the threat testimony was relevant to the issue of consciousness of guilt. While the jury was free to interpret this evidence in various ways, including possibly accepting Blanks’s position that he was only trying to avoid being wrongfully convicted, it was the jury’s job to assign significance to his statements. As for Blanks’s argument that the threats should not have been admitted because their probative value was substantially outweighed by the danger of unfair prejudice, *see* WIS. STAT. § 904.03 (“relevant[] evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice”), the circuit court ruled that the evidence was necessary for the jury to understand why S.G. did not initially tell the police that she saw Blanks shooting at the crowd. The circuit court said that S.G.’s two different statements to police may be a central issue in the trial because the jurors would want to know why she did not initially tell the police what she saw, and her fear of retaliation went directly to that point. The circuit court acknowledged that the testimony was not helpful to Blanks, but concluded that any prejudice to him from the testimony did not substantially outweigh its probative value. In short, the circuit court properly applied the correct legal standard and made a reasonable decision that was in

accord with precedent and grounded on the facts of this case when it allowed S.G.'s testimony about the threats into evidence. Therefore, we reject Blanks's argument that the circuit court misused its discretion in allowing the testimony.

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

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

Sheila T. Reiff
Clerk of Court of Appeals