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DISTRICT I

November 16, 2021

To:

Hon. T. Christopher Dee
Circuit Court Judge
Electronic Notice

John Barrett
Clerk of Circuit Court
Milwaukee County
Electronic Notice

Sonya Bice
Electronic Notice

John D. Flynn
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Kathleen A. Lindgren
Electronic Notice

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

2021AP558-CR	State of Wisconsin v. Dontae Shawntell Taylor (L.C. # 2017CF641)
2021AP559-CR	State of Wisconsin v. Dontae Shawntell Taylor (L.C. # 2017CF5840)

Before Brash, C.J., Donald, P.J., and White, 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).

Dontae Shawntell Taylor appeals judgments convicting him of six counts of armed robbery, one count of misdemeanor battery with use of a dangerous weapon, and one count of unlawfully possessing a firearm as a convicted felon. He also appeals an order denying his postconviction motion. Taylor argues that he received ineffective assistance of trial counsel during

sentencing. After reviewing the briefs and records, we conclude at conference that summary disposition is appropriate. *See* WIS. STAT. RULE 809.21 (2019-20).¹ Upon review, we affirm.

Taylor first pled guilty to battery and unlawfully possessing a firearm. While he was released on a signature bond pending his sentencing, Taylor committed six separate violent armed robberies over a two-week period involving multiple victims. He entered no-contest pleas to those crimes. At sentencing, the circuit court imposed three years of initial confinement and two years of extended supervision for unlawfully possessing a firearm, consecutive to any other sentence, and twelve months in jail for misdemeanor battery, to be served consecutively. As for the armed robbery convictions, the circuit court sentenced Taylor to six years of initial confinement and three years of extended supervision for the three armed robberies during which Taylor used violence against the victims, with all sentences to be served consecutively. The circuit court sentenced Taylor to five years of initial confinement and two years of extended supervision for two of the other armed robbery convictions and four years of initial confinement and two years of extended supervision for one of the armed robbery convictions, with all sentences to be served consecutively. In total, Taylor was sentenced to thirty-six years of initial confinement and seventeen years of extended supervision.

To prove a claim of ineffective assistance of counsel, a defendant must show that his counsel performed deficiently and that this deficient performance prejudiced him. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984). The test for deficient performance is whether counsel’s representation “fell below an objective standard of reasonableness.” *State v. Carter*, 2010 WI 40, ¶22, 324 Wis. 2d 640, 782 N.W.2d 695 (citation omitted). To show prejudice,

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

“the defendant must show that ‘there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.’” *Id.*, ¶37 (citation omitted). A reviewing court may dispose of a claim of ineffective assistance of counsel on either ground. *Strickland*, 466 U.S. at 697.

Taylor argues that he received ineffective assistance of counsel because his counsel failed to meet with him prior to his sentencing hearing to prepare him, failed to gather materials to submit to the sentencing court on his behalf, and failed to address Taylor’s poor mental health as a mitigating factor.

Taylor’s counsel did, in fact, argue at sentencing that Taylor’s mental health was a mitigating factor. Counsel argued that Taylor’s mental health issues during the spree of armed robberies seriously affected his ability to make good judgments.

If we assume for the sake of argument that counsel’s performance was deficient because counsel did not spend an adequate amount of time meeting with Taylor prior to sentencing to prepare him and failed to gather materials to submit to the sentencing court, Taylor’s argument fails because he cannot show that he was prejudiced.

Taylor committed six separate violent armed robberies over the course of two weeks during which he threatened his victims and beat some of them with a gun. This occurred while Taylor was released on a signature bond awaiting sentencing on two other crimes, one of which was also a violent crime. In addition, Taylor came before the sentencing court with an extensive prior criminal record. In framing its sentence, the circuit court explained that given Taylor’s circumstances, it had no hope that Taylor could be deterred from future violent acts because Taylor had a pattern of refusing to take his medication for his mental illness and then committing violent

crimes. The circuit court explained that Taylor's history and record convinced the court that protection of the public should now be the court's paramount concern because each of these crimes that Taylor committed had long-lasting deleterious effects that rippled through the community.

The circuit court's sentencing decision shows that its concerns were such that there is no reasonable probability that, but for counsel's alleged failure to adequately prepare Taylor for sentencing and present information from Taylor's family, the result of the proceeding would have been different. Moreover, the circuit court *was given and considered statements* on Taylor's behalf from his family during postconviction proceedings. The circuit court nevertheless denied Taylor relief, explaining that the information from Taylor's family did not alter its sentencing analysis. In sum, then, we reject Taylor's argument that he received ineffective assistance of trial counsel because Taylor cannot show that he was prejudiced.

Upon the foregoing,

IT IS ORDERED that the judgments and order of the circuit court are 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