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**DISTRICT I**

November 23, 2021

To:

Hon. Joseph R. Wall  
Circuit Court Judge  
Electronic Notice

John Barrett  
Clerk of Circuit Court  
Milwaukee County  
Electronic Notice

Winn S. Collins  
Electronic Notice

Marcella De Peters  
Electronic Notice

John D. Flynn  
Electronic Notice

Mercedes Deshay Craigs 677698  
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:

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2020AP1313-CRNM      State of Wisconsin v. Mercedes Deshay Craigs  
(L.C. # 2018CF2574)

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).**

Mercedes Deshay Craigs appeals a judgment convicting him of one count of second-degree reckless homicide, one count of knowingly operating a motor vehicle while suspended (causing death), and one count of homicide by intoxicated use of a vehicle (with a detectable amount of controlled substance). Attorney Marcella De Peters was appointed to represent Craigs for postconviction and appellate proceedings. She filed a no-merit report pursuant to WIS. STAT.

RULE 809.32 (2019-20),<sup>1</sup> and *Anders v. California*, 386 U.S. 738, 744 (1967). Craigs filed a response. After considering the report and the response, and after conducting an independent review of the record as mandated by *Anders*, we conclude that there are no issues of arguable merit that could be raised on appeal. Therefore, we summarily affirm. *See* WIS. STAT. RULE 809.21.

The no-merit report first addresses whether there would be arguable merit to a claim that Craigs's guilty pleas were not knowingly, intelligently, and voluntarily entered. The circuit court conducted a colloquy with Craigs that complied with WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). Prior to the plea hearing, Craigs discussed information pertinent to entering his pleas with his trial counsel, and he reviewed a plea questionnaire and waiver of rights form with his trial counsel and signed it. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987) (stating that the circuit court may rely on a plea questionnaire and waiver of rights form in assessing the defendant's knowledge about the rights he or she is waiving). Craigs acknowledged that the facts set forth in the complaint were accurate and provided an adequate factual basis to convict him of the crimes. Therefore, there would be no arguable merit to an appellate challenge to his pleas.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion when it sentenced Craigs to a total of fourteen years of initial confinement and ten years of extended supervision. The record establishes that the circuit court considered the general objectives of sentencing and applied the sentencing factors to the facts of this case, reaching a reasoned and reasonable result. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (stating that the circuit court must identify the

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

factors it considered and explain how those factors fit the sentencing objectives and influenced its sentencing decision). There would be no arguable merit to a challenge to the sentence.

In response to the no-merit report, Craigs submitted a letter stating that he did not want his counsel to file a no-merit report, and he wanted to have successor counsel appointed or he wanted to hire private counsel. By order dated January 27, 2021, we informed Craigs that the State Public Defender would not appoint successor appellate counsel for him if he discharged De Peters. We stayed this appeal for sixty days to allow Craigs to hire new counsel. By order dated March 2, 2021, we granted Craigs's motion seeking additional time to hire new counsel, extending the deadline until June 28, 2021. Craigs did not hire new counsel and did not further communicate with this court. We then issued an order lifting the stay of the appeal. Craigs's disagreement with his counsel's decision to proceed with this appeal pursuant to the no-merit procedures of WIS. STAT. RULE 809.32 is not grounds for appellate relief.

Our review of the record discloses no other potential issues for appeal. Accordingly, we accept the no-merit report, affirm the conviction, and discharge appellate counsel of the obligation to further represent Craigs.

Accordingly,

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

IT IS FURTHER ORDERED that Attorney Marcella De Peters is relieved from further representing Craigs. *See* WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*