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DISTRICT II

March 2, 2022

To:

Hon. Jason A. Rossell
Circuit Court Judge
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County
Electronic Notice

Winn S. Collins
Electronic Notice

Marcella De Peters
Electronic Notice

Michael D. Graveley
Electronic Notice

Daniel L. Evans, #366483
Waupun Correctional Inst.
P.O. Box 351
Waupun, WI 53963-0351

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

2020AP1705-CRNM State of Wisconsin v. Daniel L. Evans (L.C. #2017CF1218)

Before Gundrum, P.J., Grogan and Kornblum, 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).

Daniel L. Evans appeals from a judgment convicting him of multiple crimes. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738 (1967). Evans 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

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

independent review of the record, we conclude there are no issues with arguable merit for appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Evans was convicted following no contest pleas to burglary of a building or dwelling as a party to a crime, burglary while arming oneself with a dangerous weapon, and two counts of attempted first-degree intentional homicide with use of a dangerous weapon and as a repeater. Evans was accused of burglarizing multiple residences. During one burglary, he attacked and nearly killed the occupants inside.² Numerous additional charges were dismissed and read-in. For his actions, the circuit court imposed an aggregate sentence of sixty years of initial confinement and thirty years of extended supervision. It also ordered Evans to pay \$34,026.90 in restitution after a hearing on the matter. This no-merit appeal follows.

The no-merit report addresses (1) whether Evans' pleas were knowingly, voluntarily, and intelligently entered; (2) whether the circuit court properly exercised its discretion at sentencing; and (3) whether the circuit court properly ordered restitution. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

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

² Evans shot one victim multiple times and severely beat the other, fracturing her skull. Afterward, he took their cell phones so they could not call for assistance.

Upon the foregoing reasons,

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 of further representation of Daniel L. Evans 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