



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

July 13, 2022

To:

Hon. Wynne P. Laufenberg
Circuit Court Judge
Electronic Notice

Samuel A. Christensen
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Patricia J. Hanson
Electronic Notice

John P. Mueller
Electronic Notice

Winn S. Collins
Electronic Notice

Deandre Ricky McCollum, #527972
Kettle Moraine Correctional Inst.
P.O. Box 282
Plymouth, WI 53073-0282

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

2019AP2106-CRNM State of Wisconsin v. Deandre Ricky McCollum
(L.C. #2018CF1160)

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).

Deandre Ricky McCollum appeals a judgment of conviction entered upon his guilty pleas to (1) possession with intent to deliver 200 grams or less of tetrahydrocannabinols (THC), as a second or subsequent drug offense; and (2) attempting to flee or elude an officer while operating a motor vehicle and causing damage to the property of another, as a repeater. His appointed

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, 744 (1967). McCollum received a copy of the report, was advised of his right to file a response, and has not done so. Upon consideration of the no-merit report and an independent review of the record, we conclude that the judgment may be summarily affirmed because there are no arguably meritorious issues for appeal. See WIS. STAT. RULE 809.21.

McCollum was charged with the following: (Count one) possession with intent to deliver 200 grams or less of THC, as a second or subsequent drug offense; (count two) attempting to flee or elude an officer while operating a motor vehicle and causing damage to the property of another, as a repeater; (count three) first-degree recklessly endangering safety, as a repeater; (count four) obstructing an officer, as a repeater; and (count five) resisting an officer, as a repeater. Pursuant to a plea agreement, McCollum pled guilty to counts one and two, and counts three, four, and five were dismissed but read in. The State agreed to recommend a five-year sentence on count two, bifurcated into three years of initial confinement and two years of extended supervision, and consecutive probation on count one.² At sentencing, the circuit court imposed a five-year sentence on count two, bifurcated into two years of initial confinement followed by three years of extended supervision, to run consecutive to any previously imposed sentence. On count one, the court followed the State's recommendation and imposed but stayed

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

² On count one, the State agreed to recommend twenty-four months of initial confinement followed by eighteen months of extended supervision, to be imposed but stayed in favor of two years' consecutive probation. It also agreed to remain silent on whether the prison sentence recommended in connection with count two should run concurrent with or consecutive to a previously imposed sentence.

a bifurcated prison sentence (twenty-four months of initial confinement followed by eighteen months of extended supervision) in favor of two years of probation, to run consecutive to count two. This no-merit appeal follows.

Appointed counsel's no-merit report addresses (1) whether McCollum's guilty pleas were knowingly, voluntarily, and intelligently entered, and (2) whether the circuit court properly exercised its discretion in imposing sentence. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and this court will not discuss them further.

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

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

IT IS FURTHER ORDERED that Attorney John P. Mueller is relieved from further representing Deandre Ricky McCollum 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