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**DISTRICT I**

November 15, 2022

To:

Hon. Glenn H. Yamahiro  
Circuit Court Judge  
Electronic Notice

George Christenson  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Gregory Bates  
Electronic Notice

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John D. Flynn  
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Dennis Zandorcy Troutman Jr. 590785  
Stanley Correctional Inst.  
100 Corrections Dr.  
Stanley, WI 54768

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

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2021AP2049-CRNM      State of Wisconsin v. Dennis Zandorcy Troutman, Jr.  
(L.C. # 2019CF3821)

Before Brash, C.J., Donald, P.J., and Dugan, 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).**

Dennis Z. Troutman, Jr. appeals from a judgment of conviction, following a jury trial, of one count of armed robbery as a party to a crime and one count of operating a motor vehicle without the owner's consent. His appellate counsel, Gregory Bates, has 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 (1967). Troutman received a copy of the report and was advised of his right to respond, but has not done

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

so. We have independently reviewed the record and the no-merit report as mandated by *Anders*. We conclude that there are no issues of arguable merit that could be pursued on appeal. We, therefore, summarily affirm. *See* WIS. STAT. RULE 809.21.

The State charged Troutman with of one count of armed robbery as a party to a crime and one count of operating a motor vehicle without the owner's consent. According to the criminal complaint, in the early morning hours of August 19, 2019, Troutman and an unidentified co-actor approached E.D.'s car and demanded that E.D. exit his vehicle. Troutman was holding an assault rifle (later determined to be fake), which he pointed at E.D.'s chest when E.D. exited the vehicle. Troutman took E.D.'s phone from his hand and then drove away in E.D.'s vehicle. E.D. ran to a nearby McDonald's restaurant, where he called the police and reported the carjacking.

The matter proceeded to trial, where multiple witnesses testified. Troutman did not testify. The jury found Troutman guilty as charged. On the armed robbery charge, the trial court sentenced Troutman to ten years of incarceration, bifurcated as six years of initial confinement and four years of extended supervision. On the operating a motor vehicle without consent charge, the trial court issued a concurrent sentence of six years' of incarceration, bifurcated as three years of initial confinement and three years of extended supervision.

Appellate counsel's no-merit report addresses the following: (1) the sufficiency of the complaint; (2) the sufficiency of the preliminary hearing and Information, and Troutman's entry of not guilty pleas to the charges; (3) Troutman's assertion of his right to a speedy trial; (4) pretrial rulings; (5) jury selection; (6) the sufficiency of the evidence presented at trial; (7) objections; (8) Troutman's decision not to testify; (9) jury instructions; (10) opening

statements and closing arguments of counsel; (11) jury questions and exhibits; (12) and issues pertaining to sentencing, including whether the trial court properly exercised its discretion.

We have reviewed the record and agree with counsel's analysis as to every stage of the proceedings. With regard to the sufficiency of the evidence, we note that when this court considers the sufficiency of the evidence presented at trial, we apply a highly deferential standard. *See State v. Kimbrough*, 2001 WI App 138, ¶12, 246 Wis. 2d 648, 630 N.W.2d 752. We "may not reverse a conviction unless the evidence, viewed most favorably to the [S]tate and the conviction, is so insufficient in probative value and force that ... no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." *See State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). The finder of fact, not this court, considers the weight of the evidence and the credibility of the witnesses and resolves any conflicts in the testimony. *See id.* at 503-04.

During the course of trial, the jury had an opportunity to evaluate the testimony of numerous witnesses, including, but not limited to, E.D., law enforcement, Troutman's mother, and Troutman's girlfriend. Upon an independent review of the record, we agree with counsel that the evidence supports Troutman's convictions.

With regard to sentencing, our review of the record confirms that the trial court appropriately considered the relevant sentencing objectives and factors. *See State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The trial court noted that Troutman used a fake rifle to commit the carjacking, thus minimizing the risk of death to E.D., but stated that Troutman's conduct nonetheless instilled fear and trauma in E.D. The trial court emphasized Troutman's character,

citing his prior criminal record and the effects of his poor decision-making on his family. The sentence the trial court imposed is within the range authorized by law, *see State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and is not so excessive so as to shock the public's sentiment, *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). There would be no arguable merit to a challenge to the trial court's sentencing discretion.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Gregory Bates is relieved of further representation of Troutman in this matter. *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*