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July 11, 2023

To:

Hon. Janet C. Protasiewicz
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Winn S. Collins
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Jeffrey W. Jensen
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Kendrick T. Walyd 487010
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:

2021AP1443-CRNM State of Wisconsin v. Kendrick T. Walyd (L.C. # 2018CF5236)

Before Brash, C.J., Dugan and White, 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).

Kendrick T. Walyd appeals a judgment, entered upon a jury's verdicts, convicting him of operating a vehicle without consent while armed, fleeing an officer, and possession of a firearm by a convicted felon. His appellate counsel, Jeffrey W. Jensen, has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967) and WIS. STAT. RULE 809.32 (2020-21).¹ Walyd 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 independent review of the record as

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

mandated by *Anders*, we summarily affirm the judgment because there is no arguable merit to any issue that could be pursued on appeal. *See* WIS. STAT. RULE 809.21.

The charges against Walyd stemmed from an armed carjacking that occurred in October 2018. The victim, A.L.A., told police he was parked in an alley off of North 30th Street in Milwaukee, waiting for his uncle. He stated that a black male wearing a black hooded sweatshirt approached his vehicle, pointed a gun at him, and told him to get out of the car and “give him everything,” which included A.L.A.’s cell phone. The suspect threatened to shoot A.L.A. if he did not comply; A.L.A. heard a single gunshot fired as he exited the car, which was recorded on ShotSpotter. The jacketing from a bullet was recovered from the scene by police, and a bullet strike was observed in a nearby fence post.

Approximately half an hour after the carjacking, an officer spotted A.L.A.’s vehicle and attempted to conduct a traffic stop. The driver instead accelerated, reaching speeds of eighty miles per hour on city surface streets. The driver stopped on North 24th Street, exited the vehicle and fled. Officers pursued the driver, and observed the black hooded sweatshirt the driver was wearing get caught on a fence. Officers also recovered a cell phone from his flight path, which was found to belong to A.L.A.

The driver, later identified as Walyd, was caught and taken into custody. In an interview with police, after being read his *Miranda*² rights, Walyd admitted to being in A.L.A.’s vehicle and fleeing officers. Additionally, A.L.A. positively identified Walyd in a photo array.

² *See Miranda v. Arizona*, 384 U.S. 436 (1966).

After a speedy trial demand was made on April 12, 2019, *see* WIS. STAT. § 971.10 (2017-18), the trial began on July 8, 2019. A.L.A. testified, along with several officers who were involved in the investigation of the carjacking and the pursuit of Walyd, presenting the evidence described above. Walyd declined to exercise his right to testify in a colloquy by the trial court, after discussing it with his trial counsel. The defense called no witnesses. The jury was read the instructions agreed upon by the parties, and proceeded to deliberations.

The jury returned guilty verdicts on all three charges. At the sentencing hearing, the trial court discussed relevant sentencing objectives and factors, including the “seriousness” of the crime, and the need to protect the community from “people who engage in armed car[[]jackings.” Additionally, the court described Walyd’s previous convictions where he was sentenced to probation, as well as several cases where charges were dismissed, noting that he had been given “lots of chances.” Ultimately, the court imposed consecutive sentences totaling ten years of initial confinement and six years of extended supervision. This no-merit appeal follows.

Appellate counsel’s no-merit report sets forth the applicable legal standards and provides a thorough analysis for each of the following issues: whether Walyd knowingly, voluntarily, and intelligently waived his right to testify, *see State v. Weed*, 2003 WI 85, ¶43, 263 Wis. 2d 434, 666 N.W.2d 485; whether the evidence was sufficient to support the jury’s verdicts for all three counts, *see State v. Poellinger*, 153 Wis. 2d 493, 506, 451 N.W.2d 752 (1990); whether the trial court properly instructed the jury regarding the offenses, *see State v. Coleman*, 206 Wis. 2d 199, 212, 556 N.W.2d 701 (1996); and whether the trial court erroneously exercised its discretion in imposing Walyd’s sentences, which were well within the statutory maximums, *see State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197 and *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449.

After reviewing the entirety of the record, we are satisfied that the no-merit report properly analyzes the issues it raises as being without merit. Additionally, this court has concluded that no procedural errors occurred prior to trial.

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

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 Jeffrey W. Jensen is relieved of further representation of Kendrick T. Walyd in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals