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DISTRICT I

November 14, 2023

To:

Hon. Danielle L. Shelton
Circuit Court Judge
Electronic Notice

Winn S. Collins
Electronic Notice

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

Jill Marie Skwor
Electronic Notice

Dawondri D. Robinson
3018 N. 60th Street
Milwaukee, WI 53210

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

2023AP112-CRNM State of Wisconsin v. Dawondri D. Robinson
(L.C. # 2019CF3186)

Before White, 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).

Dawondri D. Robinson appeals from his judgment of conviction entered after he pled guilty to substantial battery. His appellate counsel, Attorney Jill Marie Skwor, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2021-22).¹ Robinson was advised of his right to file a response, but he did not do so. Upon this court's independent review of the record as mandated by *Anders*, and counsel's report, we

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

conclude that, subject to the correction of a clerical error in the judgment, there are no issues of arguable merit that could be pursued on appeal. We, therefore, summarily affirm.

In July 2019, officers from the Milwaukee Police Department responded to a battery complaint at an apartment on North 25th Street. Upon their arrival they found the victim, D.A.M., lying on the floor of her apartment bleeding profusely from lacerations on her face and arm, and one eye was swollen shut. D.A.M. was transported to the hospital for treatment, where she was found to have a fractured right orbital. She also required stitches to close several of the lacerations.

In her statement to police, D.A.M. said that Robinson, her former boyfriend, had pushed his way into her apartment, pushed her to the ground, and punched her numerous times in the face and body with a closed fist. He had also kicked D.A.M. several times in the head. Robinson then had grabbed D.A.M.'s cell phone out of her hand and fled the apartment. This occurred in front of D.A.M.'s young son and another child that D.A.M. was babysitting.

Robinson was charged with robbery with the use of force and substantial battery causing substantial bodily harm with the intent to cause bodily harm. The matter proceeded to trial in February 2021. However, after jury selection had been completed, Robinson opted to resolve this matter with a plea. Pursuant to the plea agreement, Robinson agreed to plead guilty to the substantial battery charge, and the robbery charge was dismissed and read in. The trial court accepted Robinson's plea and sentenced him to the statutory maximum of one and one-half years of initial confinement followed by two years of extended supervision. *See* WIS. STAT. §§ 940.19(2), 939.50(3)(i). Restitution in the amount of \$2,760.11 was also ordered. This no-merit appeal follows.

In the no-merit report, appellate counsel addresses two issues: whether there would be arguable merit to appealing the validity of Robinson’s plea; and whether there would be arguable merit to a claim that the trial court erroneously exercised its discretion in sentencing Robinson. We agree with appellate counsel’s analysis that there would be no arguable merit to an appeal of either of these issues.

With regard to Robinson’s plea, the plea colloquy by the trial court complied with the requirements set forth in WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. Additionally, the court confirmed that Robinson signed and understood the plea questionnaire and waiver of rights form, which further demonstrates that Robinson’s plea was knowingly, voluntarily, and intelligently entered. See *State v. Moederndorfer*, 141 Wis. 2d 823, 827, 416 N.W.2d 627 (Ct. App. 1987). Therefore, there would be no arguable merit to challenging the validity of Robinson’s plea.

With regard to sentencing, the record reflects that the trial court considered 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. In particular, the court focused on the gravity of the offense, which it described as “horrific,” noting that D.A.M. had to undergo surgery and suffered nerve damage as a result of her injuries.

Furthermore, the sentence imposed is within the statutory maximum, and is thus presumed not to be unduly harsh or unconscionable. See *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449. Therefore, there would be no arguable merit to a challenge of Robinson’s sentence.

As noted, there is a scrivener’s error in the judgment of conviction. At sentencing, the trial court imposed the mandatory DNA surcharge but waived all other court costs and fees, so that payment of the restitution ordered would be “the priority.” However, the judgment of conviction indicates that the other court costs and fees were imposed. Upon remittitur, the judgment of conviction shall be amended to reflect the waiver of court costs and fees, other than the DNA surcharge and the restitution ordered and any costs associated with them. *See State v. Prihoda*, 2000 WI 123, ¶17, 239 Wis. 2d 244, 618 N.W.2d 857; *State v. Schwind*, 2019 WI 48, ¶30 n.5, 386 Wis. 2d 526, 926 N.W.2d 742 (“Correcting a clerical error in a judgment does not constitute a modification of that judgment; rather, it is simply a correction of the record to reflect the judgment the [trial] court actually rendered.”).

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

Upon the foregoing,

IT IS ORDERED that, upon remittitur, the judgment of conviction shall be modified as described herein.

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

IT IS FURTHER ORDERED that Attorney Jill Marie Skwor is relieved of further representation of Dawondri D. Robinson 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