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**DISTRICT II**

January 31, 2024

To:

Hon. Steven Michael Cain  
Circuit Court Judge  
Electronic Notice

Connie Mueller  
Clerk of Circuit Court  
Ozaukee County Justice Center  
Electronic Notice

Gregory Bates  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Babatunde Ibrahim Olaniyi  
7362 N. 38th St.  
Milwaukee, WI 53209

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

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2023AP304-CRNM      State of Wisconsin v. Babatunde Ibrahim Olaniyi  
(L.C. #2021CF364)

Before Gundrum, P.J., Grogan and Lazar, 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).**

Babatunde Ibrahim Olaniyi appeals from a judgment, entered following his guilty plea, convicting him of felony failure to report to jail. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Olaniyi was advised of his right to file a response, and he has not responded. After reviewing the Record and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

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

Olaniyi was convicted of felony failure to report to jail. The parties made a joint-recommendation that the court impose a sentence of sixty days' jail, which would amount to a time-served sentence. The circuit court followed the recommendation, and it sentenced Olaniyi to a time-served sentence of sixty days' jail.

The no-merit report addresses whether Olaniyi's plea was entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Olaniyi was waiving, and other matters. The Record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses Olaniyi's sentence. The sentence is within the legal maximum. As to discretionary issues, the standards for the circuit court and this court are well-established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the Record discloses no other potential issues for 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 Gregory Bates is relieved of further representation of Babatunde Ibrahim Olaniyi 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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*Samuel A. Christensen*  
*Clerk of Court of Appeals*