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DISTRICT II

August 27, 2025

To:

Hon. Michael J. Aprahamian
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Del'Demonte D. Bell, #599520
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

Tristan Breedlove
Electronic Notice

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

2024AP1868-CRNM State of Wisconsin v. Del'Demonte D. Bell (L.C. #2020CF1098)

Before Neubauer, 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).

Del'Demonte D. Bell appeals from a judgment, entered upon his no contest pleas, convicting him of one count of fleeing or eluding an officer causing bodily harm or property damage and one count of first-degree recklessly endangering safety. Appellate counsel, Tristan Breedlove, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).¹ Bell received a copy of the report, was advised of his right

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

to file a response, and has responded. We have independently reviewed the Record, the response, 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.

In an amended information, the State charged Bell with eleven crimes. The charges stemmed from an incident which took place on July 20, 2020, when Bell, armed with a stolen firearm, drove a stolen vehicle at a high rate of speed, led police on a chase, struck a squad car, and then struck a pole. Bell ultimately pled no contest to one count of fleeing or eluding an officer causing bodily harm or property damage and one count of first-degree recklessly endangering safety. The remaining charges were dismissed and read in. The circuit court sentenced Bell to four years and six months of initial confinement followed by three years of extended supervision for the fleeing/eluding count and to 13 years and six months of initial confinement followed by five years of extended supervision for the reckless endangerment count. The court ordered the sentences to be consecutive. This no-merit report follows.

Appellate counsel's no-merit report addresses two issues: (1) whether Bell's pleas were knowing, intelligent, and voluntary; and (2) whether the circuit court properly exercised its sentencing discretion. In his response, Bell challenges the court's decision to issue consecutive sentences, arguing that the court's decision stemmed from false information provided by the State and law enforcement.

We first agree with appellate counsel's analysis and conclusion that any challenge to the validity of Bell's pleas would lack arguable merit. *See State v. Bangert*, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). Our review of the Record and counsel's analysis in the no-merit report

satisfies us that the court complied with its obligations for taking Bell's pleas. *See* WIS. STAT. § 971.08; **Bangert**, 131 Wis. 2d at 261-62; **State v. Brown**, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906.

With regard to the circuit court's sentencing discretion, our review of the Record confirms that the court appropriately considered the relevant sentencing objectives and factors, specifically focusing on the gravity of the offense and the need to protect the public. *See State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695; **State v. Ziegler**, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The sentence was 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). Bell disagrees, arguing that his convictions did not warrant consecutive sentences. Specifically, he contends that the court's decision to issue consecutive sentences was based on false information provided by the State and law enforcement.

A defendant has a constitutionally protected due process right to be sentenced based on accurate information. **State v. Tiepelman**, 2006 WI 66, ¶9, 291 Wis. 2d 179, 717 N.W.2d 1. To succeed on a claim for sentencing based on inaccurate information, the defendant must prove, by clear and convincing evidence, both that there was inaccurate information at sentencing and that the sentencing court relied on that information. **State v. Payette**, 2008 WI App 106, ¶46, 313 Wis. 2d 39, 756 N.W.2d 423. Reliance in this context means that "the court gave 'explicit attention' or 'specific consideration' to" the inaccurate information such that "the misinformation 'formed part of the basis for the sentence.'" **Tiepelman**, 291 Wis. 2d 179, ¶14 (quoted source omitted).

The Record does not support Bell’s contention that the State or law enforcement “lied” with regard to any aspect of his case, nor does the Record support Bell’s contention that the circuit court relied upon any allegedly false information. The court’s sentencing decision was based upon the stipulated facts adduced at Bell’s plea hearing, Bell’s prior criminal record, and the danger that Bell’s conduct posed. As to the court’s decision to issue consecutive sentences, “whether to impose consecutive, as opposed to concurrent, sentences is, like all other sentencing decisions, committed to the [circuit] court’s discretion.” *State v. Johnson*, 178 Wis. 2d 42, 52, 503 N.W.2d 575 (Ct. App. 1993). In short, the court explained its rationale for the sentences imposed and did not rely upon inaccurate information. Accordingly, we agree with appellate counsel’s conclusion that there would be no arguable merit to a challenge of Bell’s sentence.

Our independent review of the Record reveals no other potential issues of arguable merit.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Tristan Breedlove is relieved of further representation of Del’Demonte D. Bell 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