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DISTRICT II

October 8, 2025

To:

Hon. Laura J. Lavey
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

Michelle Weber
Clerk of Circuit Court
Fond du Lac County Courthouse
Electronic Notice

Kathleen A. Lindgren
Electronic Notice

Elvin Evelio Davila Marin
550 Van Dyne Rd., #43
Fond du Lac, WI 54937

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

2024AP2270-CRNM State of Wisconsin v. Elvin Evelio Davila Marin
(L.C. #2023CF381)

Before Neubauer, P.J., Gundrum, and Grogan, 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).

Elvin Evelio Davila Marin appeals from a judgment convicting him of possession with intent to deliver methamphetamine. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Davila Marin 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, we

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

conclude there are no issues with arguable merit for appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Davila Marin was convicted following a no contest plea to possession with intent to deliver methamphetamine. The methamphetamine was found on Davila Marin's person after he was arrested for an incident in which he banged on a bar counter and threatened to shoot a bartender in the head.² Two additional charges were dismissed and read-in.³ For his actions, the circuit court imposed a sentence of three years of initial confinement and three years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether Davila Marin's plea was knowingly, voluntarily, and intelligently entered, and whether the circuit court properly exercised its discretion at sentencing. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

Our review of the record discloses no other potential issues for appeal.⁴ Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Davila Marin further in this appeal.

² Davila Marin was arrested for disorderly conduct for the incident at the bar. The complaint notes that Davila Marin gave the arresting officer permission to search him.

³ The additional charges were disorderly conduct and second-degree recklessly endangering safety. The latter charge arose from an earlier incident in which Davila Marin put a gun to a man's head and threatened to shoot him.

⁴ Davila Marin's plea forfeited the right to raise other nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *See State v. Kelty*, 2006 WI 101, ¶18 & n. 11, 294 Wis. 2d 62, 716 N.W.2d 886; *see also State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.

Upon the foregoing reasons,

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 Kathleen A. Lindgren is relieved of further representation of Elvin Evelio Davila Marin in this appeal. *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