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DISTRICT I

July 28, 2026

To:

Hon. Kori L. Ashley
Circuit Court Judge
Electronic Notice

John Blimling
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Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
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Brett Lee McKellar
Electronic Notice

Alvernest Floyd Kennedy Jr.
c/o Region Unit Agent 3 16 03
819 N. 6th Street, 2nd Floor
Milwaukee, WI 53203

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

2025AP442-CRNM State of Wisconsin v. Alvernest Floyd Kennedy, Jr.
(L.C. # 2022CF3065)

Before Donald, C.J., Colón, P.J., and Geenen, 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).

Brett Lee McKellar, as appointed counsel for Alvernest Floyd Kennedy, Jr., filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Kennedy with a copy of the report, and both counsel and this court advised him of his right to file a response. Kennedy has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our

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

independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

The complaint alleged that Kennedy fled from law enforcement following a traffic stop. Kennedy's vehicle reached speeds of 100 miles per hour during a pursuit that lasted more than two miles before the officer terminated it. Shortly thereafter, a nearby officer, who was aware of the pursuit, observed a vehicle that matched the description of Kennedy's vehicle travelling at a high rate of speed. The officer observed the vehicle disregard a red light at an intersection and activated his squad car's lights and sirens in an attempt to effectuate a traffic stop.

Instead of pulling over, the vehicle increased its speed to more than 100 miles per hour, crossed over the center line on a highway, and disregarded another red light. The second pursuit lasted over sixteen miles. Eventually the three occupants of the vehicle fled on foot. Officers searched the car and found an identification card for Kennedy and insurance documents listed to him. This information matched information in a rental agreement that Kennedy provided to the officer who initially stopped him.

Following entry of his guilty pleas, Kennedy was convicted of two counts of fleeing or eluding an officer. The circuit court imposed sentences of eighteen months of initial confinement and eighteen months of extended supervision on each of the two charges. The court ordered the sentence on Count 2 to run concurrently with Count 1; however, Count 1 was ordered to run consecutively to any other sentence Kennedy was serving.

The no-merit report addresses whether Kennedy's pleas were 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 charges, the rights Kennedy was waiving, and other matters. The record shows no other ground to withdraw the pleas. There is no arguable merit to this issue.

The no-merit report also addresses Kennedy's sentences. The sentences are within the legal maximums. 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.

This court additionally agrees with the no-merit report's conclusion that there is no arguable merit to a claim that Kenny is entitled to sentence credit. Our review of the record discloses no other potential issues for appeal.²

Therefore,

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

IT IS FURTHER ORDERED that Attorney Brett Lee McKellar is relieved of further representation of Kennedy in this matter. See WIS. STAT. RULE 809.32(3).

² The judgment of conviction appears to include scrivener's errors. The judgment references habitual criminal penalty enhancers in the description of charges to which Kennedy pled. However, the enhancers were stricken pursuant to the plea negotiations. We direct that, upon remittitur, the judgment of conviction be amended to remove the references to WIS. STAT. § 939.62(1)(b) in the description of the crimes. See *State v. Prihoda*, 2000 WI 123, ¶29, 239 Wis. 2d 244, 618 N.W.2d 857 (holding that the circuit court may correct clerical errors at any time).

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

Samuel A. Christensen
Clerk of Court of Appeals