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DISTRICT I

August 18, 2026

To:

Hon. John A. Franke
Reserve Judge

John Blimling
Electronic Notice

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

Royel Kenneth Page 719301
Stanley Correctional Inst.
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Stanley, WI 54768

Michael S. Holzman
Electronic Notice

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

2024AP1994-CRNM State of Wisconsin v. Royel Kenneth Page (L.C. # 2021CF288)

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

Royel Kenneth Page appeals from judgments convicting him of six crimes. Appellate counsel, Michael S. Holzman, filed a no-merit report pursuant WIS. STAT. RULE 809.32 (2023-24), and *Anders v. California*, 386 U.S. 738 (1967).¹ Page filed a response, and counsel filed a supplemental no-merit report. Upon this court's independent review of the record as mandated by *Anders*, counsel's reports, and Page's response, we conclude that there are no issues of

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

arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

The State charged Page with six crimes: one count of possession with intent to deliver a controlled substance (heroin, more than 50 grams); maintaining a drug trafficking place; two counts of felony bail jumping; one count of possession of tetrahydrocannabinols (THC); and one count of obstructing an officer. According to the complaint, the charges stemmed from the execution of a no-knock search warrant that listed Page as the target. Upon entering Page's apartment, an officer saw Page holding suspected heroin in his hands and running down a hallway. The officer subsequently found Page in the bathroom crouched on the floor near the toilet and saw suspected heroin in the toilet bowl. Page was actively attempting to break up the heroin in the toilet water and force it down the drain.

The complaint further alleged that after Page was handcuffed, officers worked to remove the suspected heroin from the toilet and it tested positive for opiates (the active ingredient in heroin) and fentanyl. Officers additionally recovered drug presses, a digital scale, identification cards identifying Page, and a container of suspected marijuana, which later tested positive for THC, among other items. According to the complaint, at the time the charged offenses were committed, Page was released on bail in two other cases where he was charged with felony drug offenses.

Prior to trial, the State amended the heroin charge to one count of possession with intent to deliver narcotics (fentanyl). All of the other charges remained the same.

The case proceeded to trial and a jury found Page guilty of all of the charges. The circuit court imposed a global sentence comprised of eleven years of initial confinement and six years of extended supervision.

The no-merit report analyzes whether the circuit court erred when it denied Page's pro se motion to suppress based on what he contended were inadequate search warrant affidavits and whether the evidence was sufficient to support the jury's verdicts.² This court is satisfied that the no-merit report properly analyzes the issues it raises as being without merit and that no procedural trial errors occurred.

We do, however, wish to elaborate on an issue referenced by counsel in his no-merit report. Counsel indicates that at the time of his sentencing in this case, Page was appealing his convictions in a federal case and, at that time, the Seventh Circuit had not yet issued its decision. The circuit court in this case imposed a sentence that took into account Page's appealed federal convictions. Counsel represents to this court that following sentencing, Page's conviction was reversed and remanded by the Seventh Circuit. According to counsel, the Seventh Circuit's reversal may constitute a new factor because the circuit court relied on Page's federal convictions as part of the rationale for imposing an eleven-year sentence. Counsel, however, goes on to note that Page would not agree to a merit appeal on this basis.

² Page filed a pro se suppression motion while he was represented by counsel. Despite this fact, the circuit court allowed him to proceed with the motion. Page's attorney subsequently filed a suppression motion on Page's behalf. However, at the hearing, counsel explained that he only filed the motion because he was under the impression that the court wanted him to do so. Counsel reiterated his previous remarks to the effect that he had reviewed the suppression issue with Page and felt there was no merit to pursuing such a motion. Consequently, Page argued the motion on his own behalf during the hearing.

For purposes of resolving this matter, we need not address the propriety of pursuing a no-merit appeal under these circumstances. See *State ex rel. Ford v. Holm*, 2006 WI App 176, ¶¶8-9, 296 Wis. 2d 119, 722 N.W.2d 609 (observing that a defendant is not constitutionally entitled to a partial no-merit report); see also *McCoy v. Court of Appeals*, 486 U.S. 429, 438-39 (1988) (stating that only after a thorough evaluation of the case “has led counsel to the conclusion that the appeal is ‘wholly frivolous’ is counsel justified in making a motion to withdraw. This is the central teaching of *Anders*” (footnote omitted)). While information regarding what occurred in the federal case against Page is not in the record of this appeal, we take judicial notice of those rulings. As counsel notes, the Seventh Circuit reversed Page’s federal convictions and remanded for a new trial in *United States v. Page*, 76 F.4th 583 (7th Cir. 2023). However, that decision was subsequently vacated. When it reheard the appeal en banc, the Seventh Circuit affirmed. See *United States v. Page*, 123 F.4th 851 (7th Cir. 2024) (en banc), *cert. denied*, 145 S. Ct. 2794 (2025).

A defendant seeking sentence modification based on a new factor must make a threshold showing, “by clear and convincing evidence[,] the existence of a new factor.” *State v. Harbor*, 2011 WI 28, ¶36, 333 Wis. 2d 53, 797 N.W.2d 828. A new factor is defined as “‘a fact or set of facts highly relevant to the imposition of sentence, but not known to the [circuit court] at the time of original sentencing, either because it was not then in existence or because, even though it was then in existence, it was unknowingly overlooked by all of the parties.’” *Id.*, ¶40 (citation omitted). In light of the Seventh Circuit’s 2024 affirmance, there is no arguable merit to pursuing a new factor argument based on that court’s previous reversal.

In his response to the no-merit report, Page raises numerous claims, which include the following: law enforcement officials “fabricate[d] and concoct[ed] an affidavit on its face to

justify the search” at his apartment, which violated Page’s constitutional rights; the circuit court erroneously exercised its discretion by not compelling the disclosure of the confidential informant; the State prejudiced Page by not calling the confidential informant as a witness at trial; and the State purportedly used false evidence from another incident to convict him. Counsel’s supplemental no-merit report addresses Page’s contentions. We agree with appellate counsel’s analysis and conclude that Page could not pursue an arguably meritorious claim on the issues he identifies.

No other issues warrant discussion. To the extent that Page’s response raises additional issues, we have considered his assertions and concluded that the allegations he makes do not suggest arguably meritorious grounds for further postconviction or appellate proceedings. *See State v. Allen*, 2010 WI 89, ¶82, 328 Wis. 2d 1, 786 N.W.2d 124 (stating that the court of appeals is not required to explicitly identify and reject the nearly infinite meritless issues present in any trial transcript). Based on our independent review of the record, we conclude that any further proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Michael S. Holzman is relieved of further representation of Royel Kenneth Page 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