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DISTRICT I

October 6, 2026

To:

Hon. Katie B. Kegel
Circuit Court Judge
Electronic Notice

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

John Blimling
Electronic Notice

Brian Patrick Mullins
Electronic Notice

Dwayne Spikes 447912
Waupun Correctional Inst.
P.O. Box 351
Waupun, WI 53963-0351

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

2024AP2019-CRNM State of Wisconsin v. Dwayne Spikes (L.C. # 2022CF3301)

Before Colón, P.J., Geenen, and Petrashek, 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).

Appellate counsel, Brian P. Mullins, as appointed counsel for Dwayne Spikes, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24), and *Anders v. California*, 386 U.S. 738 (1967).¹ Spikes was advised of his right to file a response and has elected not to do so. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

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

Spikes was convicted of the following charges: count one, second-degree reckless injury; count two, possessing five to fifteen grams of cocaine with intent to deliver; count three, possessing less than ten grams of fentanyl with intent to deliver; and count four, operating while intoxicated as a fourth offense. The circuit court sentenced Spikes on count one to three years of initial confinement and two years of extended supervision, concurrent to count four and consecutive to any other sentence; on counts two and three to six years of initial confinement and four years of extended supervision, concurrent to each other and to any other sentence; and on count four to three years of initial confinement and two years of extended supervision, concurrent to count one and consecutive to any other sentence. The court imposed the mandatory minimum fine of \$600 on count four.

The no-merit report addresses whether Spikes' 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 charge, the rights Spikes 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 addresses Spikes' 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.

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 Brian P. Mullins is relieved of further representation of Spikes 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