OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS
110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

October 28, 2026

To:

Hon. Jason A. Rossell
Circuit Court Judge
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Megan Elizabeth Lyneis
Electronic Notice

D'Von M. Brantley #596156
Stanley Correctional Institution
100 Corrections Dr.
Stanley, WI 54768

Kelsey Jarecki Morin Loshaw
State Public Defender's Office Appellate Division
P.O. Box 7862
Madison, WI 53707

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

2026AP896-CRNM State of Wisconsin v. D'Von M. Brantley (L.C. #2021CF1120)

Before Lazar, P.J., Gundrum, and LoCoco, 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).

D'Von M. Brantley appeals from a judgment, following a jury trial, convicting him of first-degree recklessly endangering safety with use of a dangerous weapon, as a repeater; felon in

possession of a firearm, and felony bail jumping as a repeater.[1] His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24).[2] and ***Anders v. California***, 386 U.S. 738 (1967). Brantley received a copy of the report, was advised of his right to file a response, and has elected not to do so. After reviewing the record and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Broadly, a criminal complaint alleged that, following an altercation at the Boys and Girls Club, Robert Jackson shot six times at Brantley's vehicle, and Brantley responded by shooting one time at Jackson's vehicle. The altercation and the shooting were partially captured on various surveillance videos. The State charged Brantley with: (1) first-degree recklessly endangering safety, as party to a crime, with use of a dangerous weapon, and as repeater; (2) felon in possession of a firearm as party to a crime; and (3) felony bail jumping as a repeater.

At trial, an officer testified that on July 23, 2021, at approximately 7:50 p.m., dispatch received multiple calls of shots fired between two vehicles. A neighbor provided the officer with

[1] The judgment of conviction includes the party-to-a-crime descriptors on the first-degree-recklessly-endangering-safety and felon-in-possession-of-a-firearm convictions. However, at the conclusion of the evidence portion of trial, when discussing the jury instructions, the State advised the circuit court that "based on the testimony that's come in today … I think we can get rid of the party-to-the-crime language." Brantley had no objection. The circuit court implicitly treated the State's request as an amendment to the information because the court agreed not to instruct the jury on party-to-a-crime liability, and the jury did not determine whether Brantley committed those offenses as party to a crime.

Because the inclusion of the party-to-a-crime descriptors on the judgment of conviction appears to be a clerical error, upon remittitur, the circuit court shall enter an amended judgment of conviction removing the party-to-a-crime descriptors from the first-degree-recklessly-endangering-safety and felon-in-possession-of-a-firearm convictions. *See* ***State v. Prihoda***, 2000 WI 123, ¶¶26-27, 239 Wis. 2d 244, 618 N.W.2d 857.

[2] All references to the Wisconsin Statutes are to the 2023-24 version.

a surveillance video of the incident, which was played for the jury. The video depicts a black Chrysler 200 traveling west pass the camera at a high rate of speed, run a stop sign, and apply its brakes before disappearing from the camera's view. Then, a dark-colored Kia SUV, also traveling west, drives past. The video captures six loud bangs with whistling sounds, which the officer testified were gunshots. The officer explained that the whistling effect indicated the bullets were flying toward the camera, which meant the bullets were fired toward the Kia SUV.

After the six gunshots were fired, the video depicts the Kia repositioning itself and then there is another, single gunshot. The officer testified that the single gunshot was louder than the prior six and there was no whistling effect, which made the officer believe it was fired closer to the camera and in the direction away from the camera. Officers found one nine-millimeter shell casing at the intersection near the surveillance camera and six .45 caliber shell casings at an intersection approximately two blocks west.

Police later located the Chrysler 200 vehicle from the video along with its driver, Jackson. Police also found Jackson's .45 caliber firearm. Jackson admitted to police he was involved in the shooting with Brantley.

Jackson testified that he and Brantley were at the Boys and Girls Club to play basketball. An argument broke out between people on the court, and, ultimately, Jackson and Brantley both got involved. Brantley told Jackson he was going to go to his car to get his "pipe," which Jackson understood to mean his gun. Brantley left, and he returned carrying a gym bag. The jury watched video of the altercation in the gymnasium and saw Brantley leave and return carrying a bag.

Jackson then left the Boys and Girls Club with his cousin. In the parking lot, Jackson observed Brantley get into the driver's seat of a Kia. As Jackson drove out of the parking lot, he explained, "Brantley sped off right behind me as if he was chasing me or something." Jackson testified he had a .45 caliber firearm in his vehicle. As Jackson left the Boys and Girls Club, he "made a right, sped through the stop sign, [and] I asked my cousin if they were still following us? He said, yeah. I then jumped out the car and fired six shots." After he fired the six rounds:

> The Kia … stops at the stop sign at the corner and then after I fired my shots, it shifts to the right -- or turns to the right a little bit and then D'Von Brantley fired a shot out of the driver's window.

Jackson then made a series of turns in an attempt to lose the Kia, which he did. He dropped his cousin off and returned home. Approximately, one hour later, law enforcement arrived at Jackson's house. Jackson initially lied to police and told them that Brantley fired first because he wanted "to make it seem good for me so I could get self-defense or get … something lighter for me."

A detective testified that Brantley's Facebook messages indicated that, before the shooting, he was searching for nine-millimeter ammunition. After the shooting, Brantley's messages indicated he was searching for a new firearm.

Brantley elected to testify. He explained he was at the Boys and Girls Club to play basketball. Brantley agreed an argument occurred and testified his brother was involved. At one point it looked like his brother wanted to fight Jackson. Brantley stated he stayed on the sidelines and did not get involved. During the argument, Brantley went to his car to get his bag, which contained "Gatorade, water and probably like some extra, like, clothes, like jogging pants[.]" There was no gun in his bag.

When Brantley came back in, he saw that "the whole gym" was leaving, so he decided to leave, too. Brantley's brother and Jackson exchanged words in the parking lot. Brantley stated that when he left, he was behind Jackson's vehicle. Brantley's brother was in the vehicle behind Brantley. Brantley testified they were all traveling in the same direction, but Brantley did not see Jackson's vehicle when he turned a corner.

When Brantley got to the stop sign, he heard shots but did not see who was shooting. Brantley just put his head down. He explained,

> After that, the shots stopped. And then I seen him, like -- I finally seen [Jackson]. He was going back to his car. And another shot went off. Boom. And he scratched off, and then I scratched off. And I seen my brother. He turned, and I just kept going where I was going.

Brantley explained he did not know where the last shot came from, he did not shoot at Jackson, and he did not possess a weapon that day.

At the conclusion of the evidence portion of trial, when discussing the jury instructions, the State advised the circuit court "based on the testimony that's come in today … I think we can get rid of the party-to-the-crime language." Brantley had no objection. The circuit court implicitly treated the State's request as an amendment to the information because the court agreed not to instruct the jury on party-to-a-crime liability, and the jury did not determine whether Brantley committed these offenses as party to a crime.

Ultimately, the jury convicted Brantley of first-degree recklessly endangering safety with use of a dangerous weapon, felon in possession of a firearm, and felony bail jumping. The

circuit court sentenced him to a cumulative sentence of seven years' initial confinement and ten years' extended supervision.[3] This no-merit appeal follows.

The no-merit report addresses whether the evidence was sufficient to support Brantley's convictions; whether any arguably meritorious issues arose during pretrial proceedings or trial; and whether the circuit court properly exercised its discretion at sentencing. We agree with counsel's analyses and conclusions as detailed in the no-merit report. We briefly comment on sufficiency of the evidence and sentencing.

The no-merit report addresses whether the evidence at Brantley's jury trial was sufficient to support his convictions. When reviewing the sufficiency of the evidence, we may not substitute our judgment for that of the jury "unless the evidence, viewed most favorably to the state and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." ***State v. Poellinger***, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Our review of the record persuades us that the State produced ample evidence to convict Brantley of his crimes.

As for first-degree recklessly endangering safety, the evidence introduced at trial established that Brantley endangered Jackson's safety by shooting a firearm in Jackson's direction. *See* WIS. STAT. § 941.30(1); WIS JI—CRIMINAL 1345 (2020). In regard to felon in possession of a firearm, Brantley stipulated he was a felon as of the date of the offense, and

[3] Specifically, the circuit court sentenced Brantley to two years' initial confinement and five years' extended supervision on the first-degree-recklessly-endangering-safety conviction. It sentenced him to a consecutive sentence of five years' initial confinement and five years' extended supervision on the felon-in-possession-of-a-firearm conviction. Then, it sentenced Brantley to a concurrent sentence of three years' initial confinement and three years' extended supervision on the felony-bail-jumping conviction.

Jackson testified Brantley had a firearm that day. *See* WIS. STAT. § 941.29(1m); WIS JI—CRIMINAL 1343. Finally, as for felony bail jumping, Brantley stipulated he had been charged with a felony and he had been released from custody under the condition that he not commit any new crimes, and the evidence from trial established he was in possession of a firearm and shot at Jackson. *See* WIS. STAT. § 946.49(1)(b); WIS JI—CRIMINAL 1795. Based on all the evidence supporting the jury's verdicts, we agree with counsel that a challenge to the sufficiency of the evidence would lack arguable merit.

The no-merit report also addresses whether the circuit court properly exercised its discretion at sentencing. The record reveals that the court's sentencing decision had a "rational and explainable basis." *See* ***State v. Gallion***, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (citation omitted). Moreover, the sentence imposed does not "shock public sentiment and violate the judgment of reasonable people concerning what is right and proper under the circumstances." *See* ***Ocanas v. State***, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We agree with counsel that a challenge to Brantley's sentence would lack arguable merit.

Our independent review of the record—including Brantley's pro se motion to dismiss, his speedy trial demands, jury selection, jury instructions, Brantley's decision to testify, and closing arguments—does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Megan Elizabeth Lyneis of further representation in this matter.

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 upon remittitur the judgment should be corrected as discussed in footnote 1 of this opinion.

IT IS FURTHER ORDERED that Attorney Megan Elizabeth Lyneis is relieved of further representation of D'Von M. Brantley in this matter.

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

Samuel A. Christensen
Clerk of Court of Appeals