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DISTRICT I

May 14, 2024

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

2023AP1281-CRNM	State of Wisconsin v. Darrell Deshon Stevens, Jr. (L.C. # 2020CF952)
2023AP1282-CRNM	State of Wisconsin v. Darrell Deshon Stevens, Jr. (L.C. # 2021CF638)

Before White, C.J., Donald, 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).

In these consolidated matters, Darrell Deshon Stevens, Jr., appeals from judgments convicting him of numerous charges. In Milwaukee County Circuit Court Case No. 2020CF952, the circuit court convicted Stevens of two counts of disorderly conduct as a repeater with the domestic abuse assessment applied to both charges. In Milwaukee County Circuit Court Case No. 2021CF638, the circuit court convicted Stevens of strangulation and suffocation; disorderly conduct with the use of a dangerous weapon; and felony bail jumping. The penalty for each

charge was enhanced because Stevens was a repeater and a domestic abuse repeater. In addition, each charge included a domestic abuse assessment. Stevens' appellate counsel, Brian Patrick Mullins, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Stevens received a copy of the report, was advised of his right to file a response, and did not do so. We have independently reviewed the records and the no-merit report as mandated by *Anders*. We conclude that there is no issue of arguable merit that could be pursued on appeal. We therefore summarily affirm.

Milwaukee County Circuit Court Case No. 2020CF952

In this case, the State charged Stevens with two counts of disorderly conduct with domestic abuse assessments and two counts of felony bail jumping, all as a repeater. The charges stemmed from a 911 caller's report that Stevens, who the caller identified by name, was hitting a woman and had a gun. Police responded to the residence identified by the caller, located Stevens inside, and arrested him.

According to the complaint, S.W. subsequently told police officers that Stevens is the father of her child. S.W. said Stevens grabbed her by the hair and attempted to put her in a choke hold. S.W. said Stevens displayed a handgun and said to her: "I'm going to put you down." S.W. relayed to the police that Stevens attempted to smother her with a clothes bag, but she got away.

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

The complaint further alleged that approximately one month later, police officers were dispatched to the Walmart where S.W. worked. S.W. reported that Stevens entered the store and told her he would kill her and shoot it out with the police. S.W. said she saw what she believed was a firearm in Stevens' waistband. When S.W. called for security, Stevens fled in his vehicle.

At the time of the offenses, Stevens was released from custody in a separate case, and one of the conditions of his bond prohibited him from committing new offenses. The complaint further alleged that Smith was convicted of a felony offense within the preceding five years.

Milwaukee County Circuit Court Case No. 2021CF638

Nearly one year after the complaint in case No. 2020CF952 was filed, the State charged Stevens in 2021CF638 with nine counts: (1) one count of burglary with the commission of a battery, as a repeater and as a domestic abuse repeater and with a domestic abuse assessment;² (2) one count of strangulation and suffocation as a repeater and as a domestic abuse repeater and with a domestic abuse assessment; (3) two counts of disorderly conduct as a repeater and as a domestic abuse repeater and with domestic abuse assessments;³ (4) three counts of felony bail jumping as a repeater and as a domestic abuse repeater and with domestic abuse assessments; (5) one count of second-degree recklessly endangering safety as a repeater and as a domestic abuse repeater and with a domestic abuse assessment; and (6) one count of possessing a firearm as a felon and as a repeater.

² We note in passing that the domestic abuse assessment does not apply to this charge. See WIS. STAT. § 973.055(1)(a)1. In any event, the assessment was never imposed. Moreover, Stevens' guilty pleas forfeited the right to raise other non-jurisdictional defects and defenses (with some exceptions not relevant here), including any challenge to the sufficiency of the complaint. See *State v. Kelty*, 2006 WI 101, ¶¶18 & n.11, 34, 294 Wis. 2d 62, 716 N.W.2d 886 (discussing the guilty-plea waiver rule).

³ One of these charges was with the use of a dangerous weapon.

According to the complaint, police officers were dispatched to S.W.'s residence. Upon arrival, they spoke to S.W. who informed them that Stevens had entered her residence uninvited and choked her, which impeded her breathing. One of S.W.'s children ran to get help from a neighbor, at which point Stevens released S.W. and told her to get the child. Stevens subsequently approached S.W. again and "strangled her with both hands" before fleeing on foot. S.W. then saw Stevens pull up in a vehicle and threaten to shoot her. S.W. said Stevens exited the vehicle, opened the trunk, and displayed a black firearm. After a neighbor interjected, Stevens returned to the vehicle and left.

The complaint further alleged that a couple months later, S.W. went to a police station and reported that while she was parked outside her cousin's house with two of her young children in the car, Stevens parked a vehicle in front of her, approached her, and asked for gas money. When S.W. rolled up her window, Stevens jumped on the hood of her vehicle. After S.W. put her car in reverse, Stevens jumped off the hood and got into his vehicle. S.W. said Stevens then reversed his vehicle and ran into her car three times. S.W. drove to the police station, and Stevens followed her.

Next, the complaint alleged that police officers were dispatched to a business where they made contact with S.W. S.W. told the officers that her mother owned the business, and S.W. was there for a child's birthday party. After the party was over, S.W. said Stevens arrived, shoved her face with his forearm, and pointed a firearm at S.W. and her friend. The incident was captured on surveillance video.

The complaint included additional facts to support the charges for bail jumping and possessing a firearm as a felon.

The cases were consolidated for trial.⁴ After the defense rested its case, but before closing arguments, Stevens decided to plead guilty to five charges. As part of the plea negotiations, the State agreed to recommend that remaining charges be dismissed and read in for purposes of sentencing. The State further agreed to recommend a global sentence of six years of initial confinement and six years of extended supervision. Stevens was free to argue for any sentence.

The circuit court accepted Stevens' pleas and imposed sentences totaling five and one-half years of initial confinement and five and one-half years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether Stevens' pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy 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 Stevens 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 Stevens' sentences. The sentences fell 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

⁴ A third case against Stevens was also joined for trial. The charges in that case are not at issue in these appeals.

consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the records discloses no other potential issues for appeal.

Upon the foregoing, therefore,

IT IS ORDERED that the judgments are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Brian Patrick Mullins is relieved of further representation of Stevens in these matters. *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