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**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](http://www.wicourts.gov)

**DISTRICT III**

May 28, 2025

*To:*

Hon. Jane M. Sequin  
Circuit Court Judge  
Electronic Notice

John Blimling  
Electronic Notice

Caroline Brazeau  
Clerk of Circuit Court  
Marinette County Courthouse  
Electronic Notice

Laura M. Force  
Electronic Notice

Daryl Jovan Moore  
909 Glen Rock Avenue  
Waukegan, IL 60085

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

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2023AP891-CRNM      State of Wisconsin v. Daryl Jovan Moore (L. C. No. 2020CF257)

Before Stark, P.J., Hruz, and Gill, 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).**

Daryl Moore appeals from a judgment convicting him, upon a no-contest plea, of possession with intent to deliver cocaine and from an order denying his postconviction motion for sentence modification. Attorney Laura M. Force has filed a no-merit report seeking to withdraw as Moore's appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24).<sup>1</sup> The no-merit

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

report addresses a suppression motion<sup>2</sup> and the validity of Moore's plea and sentence. Moore was informed of his right to respond to the no-merit report, but he has not filed a response. Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude that there are no arguably meritorious issues for appeal.

The complaint alleged that a Marinette County sheriff's deputy pulled over a vehicle, in which Moore was a passenger, based upon a tinted cover that obscured the vehicle's license plate and excessive window tinting. The driver admitted that she had no insurance on the vehicle. During the traffic stop, the deputy observed that both occupants of the vehicle appeared "abnormally nervous." An artery in the driver's neck was visibly pulsing, while Moore was sweating profusely and avoided eye contact with the deputy. The deputy could also smell the odor of marijuana, but he was not initially certain if it was emanating from the vehicle.

While the deputy was filling out paperwork related to the traffic stop, a state trooper arrived and observed marijuana shake on the center console of the vehicle. When the deputy asked the driver to step out of the vehicle to show her how dark the license plate cover was and to issue a citation for failing to carry proof of insurance, the deputy could tell that the marijuana odor was emanating from the vehicle. At that point, the deputy asked the driver about the marijuana in the vehicle, and the driver admitted that Moore had marijuana in the vehicle.

The trooper then had Moore step out of the vehicle and conducted a pat down search. He discovered \$2,397 in Moore's pockets. Moore admitted that there was a bag with one-quarter

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<sup>2</sup> WISCONSIN STAT. § 971.31(10) permits appellate review of a suppression ruling following a no-contest plea.

pound of marijuana in the vehicle that he had bought from a dispensary in Michigan. The trooper searched the vehicle and recovered the bag of marijuana, plus a case containing a Glock 22 .40 caliber handgun with a fully loaded magazine and a purse containing additional marijuana, blunt wrappers, a digital scale, and a significant quantity of suspected cocaine. Moore told the law enforcement officers that all of the items belonged to him.

Moore filed a suppression motion seeking to exclude all evidence seized and statements that both he and the driver made during the traffic stop on the grounds that the traffic stop was not supported by reasonable suspicion because the license plate was not obscured; that the stop was unreasonably extended beyond the time necessary to address the license plate and insurance issues; and that Moore was not given *Miranda*<sup>3</sup> warnings prior to making his statements.

The circuit court held a suppression hearing, at which both law enforcement officers and Moore testified and the State introduced dashboard camera video. The court subsequently issued a written decision, finding that the deputy had reasonable suspicion to pull over the vehicle based upon an obstructed license plate; that Moore was not in custody when he made his statements at the scene of the traffic stop; that the stop was not unreasonably extended; and that information gained during the stop justified the warrantless search of the vehicle.

Moore then agreed to plead no contest to one count of possession with intent to deliver more than 40 grams of cocaine, as a party to the crime, in exchange for the dismissal as read-in offenses of one count of possession of less than or equal to 200 grams of THC and one count of possession of drug paraphernalia, both also as a party to the crime. The State further agreed to

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<sup>3</sup> See *Miranda v. Arizona*, 384 U.S. 436 (1966).

jointly request a presentence investigation report “(PSI)” and to recommend a sentence of four years’ initial confinement followed by five years’ extended supervision, while Moore would be free to argue at sentencing. The circuit court accepted Moore’s plea after conducting a plea colloquy, reviewing Moore’s signed plea questionnaire, and ascertaining that there was a factual basis to support the plea.

The circuit court ordered a PSI and subsequently held a sentencing hearing. After hearing from the parties, the court discussed factors related to the severity of the offenses and Moore’s character, and it explained how they related to the court’s sentencing goals of protecting the community, punishment, and deterrence. The court then sentenced Moore to four years’ initial confinement followed by five years’ extended supervision, with seven days of sentence credit. The court found Moore eligible for the Challenge Incarceration Program and Substance Abuse Program.

Moore moved for sentence modification based upon “research on emerging adulthood,” which Moore argued undercut the significance the circuit court had placed upon decisions Moore had made earlier in his life. The court denied the motion because it had already considered Moore’s increased maturity level when it decided to follow the State’s recommendation, rather than the much higher recommendation set forth in the PSI.

Upon reviewing the record, we agree with counsel’s conclusion that Moore has no arguably meritorious basis to challenge the suppression ruling, his plea, or the sentence. The suppression ruling applied the proper standards of law to the facts adduced at the suppression hearing. The circuit court conducted an adequate plea colloquy, and Moore does not assert that

he misunderstood the charges or his rights. The sentence imposed was within the maximum available penalty and was not unduly harsh, given the circumstances of the case.

Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*. Accordingly, counsel shall be allowed to withdraw, and the judgment of conviction and postconviction order will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

Upon the foregoing,

IT IS ORDERED that the judgment of conviction and the postconviction motion are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Laura M. Force is relieved of any further representation of Daryl Moore in this matter pursuant to WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*