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**DISTRICT I**

November 4, 2025

To:

Hon. Jeffrey A. Wagner  
Circuit Court Judge  
Electronic Notice

David Malkus  
Electronic Notice

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

John Blimling  
Electronic Notice

Deon Edward Staten 631238  
Columbia Corr. Inst.  
P.O. Box 900  
Portage, WI 53901-0900

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

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2024AP2076-CRNM      State of Wisconsin v. Deon Edward Staten (L.C. # 2020CF436)

Before Colón, P.J., Donald, and Geenen, 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).**

Deon Edward Staten appeals the judgment convicting him of second-degree reckless homicide and felony murder. His appellate counsel, David Malkus, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Staten 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 record and the no-merit report as mandated by *Anders*. We

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

conclude that there is no issue of arguable merit that could be pursued on appeal. We therefore summarily affirm.

The State charged Staten with one count of armed robbery, three counts of possession of a firearm by a felon, and two counts of felony murder. The complaint alleged that the crimes stemmed from three separate incidents spanning across several months. Each incident involved Staten using a firearm in an attempt to rob individuals in their vehicles. Staten robbed M.A. during the first incident, and he fired a gun into the victims' vehicles during the second and third incidents, resulting in the deaths of JaShawn Bell and Marko Stennis. The complaint alleged that Staten had prior felony convictions and was prohibited from possessing a firearm.

Pursuant to a plea agreement, Staten pled guilty to felony murder in connection with Stennis's death and to a reduced charge of second-degree reckless homicide in connection with Bell's death. In exchange for the plea, the State moved to dismiss and read-in the remaining charges and agreed to recommend a substantial prison sentence without taking a position as to the exact length of the sentence.

At sentencing, the circuit court sentenced Staten to 11 years of initial confinement and nine years of extended supervision for the second-degree reckless homicide charge, and 19 years of initial confinement and eight years of extended supervision for the felony murder charge. The court ordered these sentences to run consecutive to one another, but concurrent with a revocation sentence that Staten was serving in a separate case. This no-merit appeal follows.

The no-merit report addresses whether Staten's pleas were entered knowingly, voluntarily, and intelligently. We note at the outset that "a circuit court must establish that a defendant understands every element of the charge[] to which he pleads[.]" *State v. Brown*,

2006 WI 100, ¶58, 293 Wis. 2d 594, 716 N.W.2d 906. As highlighted in the no-merit report, the circuit court reviewed most of the elements of the offenses with Staten and confirmed Staten’s understanding. The record reflects that the jury instructions for second-degree reckless homicide and felony murder were filed in conjunction with the plea questionnaire and waiver of rights form. During the plea colloquy, the court confirmed that Staten understood the elements of the offense and had reviewed the jury instructions.

The court did not, however, specifically advise Staten of the elements of attempted armed robbery, which was the underlying offense for the felony murder charge. In his no-merit report, counsel represents to this court: “[F]or reasons that are outside of the court record, undersigned counsel is unable to allege that Mr. Staten did not understand the elements of attempted armed robbery when he pled guilty to felony murder.” See *State v. Bangert*, 131 Wis. 2d 246, 274, 389 N.W.2d 12 (1986) (explaining that in addition to showing a violation of WIS. STAT. § 971.08 or other mandatory duties, a defendant moving for plea withdrawal must allege “that he in fact did not know or understand the information which should have been provided at the plea hearing”). Staten did not file a response objecting to counsel’s assertion. Therefore, we accept counsel’s representation that there is no basis for plea withdrawal on this issue.

As to other aspects of whether Staten’s pleas were entered knowingly, voluntarily, and intelligently, the plea colloquy sufficiently complied with the requirements of *Brown*, 293 Wis. 2d 594, ¶35, and WIS. STAT. § 971.08. The record shows no other ground to withdraw the pleas. There is no arguable merit to this issue.

The no-merit report also addresses Staten’s 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 circuit 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 is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney David Malkus is relieved of further representation of Staten in this matter. *See* 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*