



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 I

April 28, 2026

To:

Hon. John A. Franke
Reserve Judge

John Blimling
Electronic Notice

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

Mark S. Rosen
Electronic Notice

Trevon Deonte Tyler 727714
Redgranite Correctional Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

2025AP981-CRNM State of Wisconsin v. Trevon Deonte Tyler (L.C. # 2022CF971)

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).

Trevon Deonte Tyler appeals a judgment convicting him of one count of second-degree reckless homicide with the use of a dangerous weapon as a party to a crime and one count of armed burglary with the use of a dangerous weapon as a party to a crime. Appellate counsel, Mark S. Rosen, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).¹ Tyler received a copy of the report, was advised of his right to file a response, and has not responded. We have independently reviewed the record and

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

the no-merit report as mandated by *Anders*. We conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm. *See* WIS. STAT. RULE 809.21.

On March 12, 2022, the State charged Tyler with one count of first-degree reckless homicide as a party to a crime. The charge stemmed from the shooting death of Julio Olivencia. The complaint alleged that Olivencia’s roommate, T.S., received an anonymous phone call informing him that Olivencia had been shot at their residence. T.S. called 911; police were dispatched to the scene and found Olivencia dead with several gunshot wounds. T.S. later told police that Tyler, whom T.S. knew, came to T.S.’s place of employment before T.S. received the anonymous call. Tyler told T.S. that he “had done something bad.”

The State issued an amended information charging Tyler with first-degree intentional homicide as a party to the crime. The case initially proceeded to a jury trial; however, the matter was ultimately resolved with a plea agreement whereby Tyler would agree to plead guilty to amended charges of second-degree reckless homicide and armed burglary. The circuit court conducted a colloquy with Tyler and accepted his pleas. The court sentenced Tyler to 20 years of initial confinement followed by 10 years of extended supervision on the homicide count. On the burglary count, the court concurrently sentenced Tyler to seven years and six months of initial confinement, followed by five years of extended supervision. Following a restitution hearing, the court ordered restitution in the amount of \$9,546.62, payable to the victim’s family. This no-merit report follows.

Appellate counsel’s no-merit report addresses three issues: (1) whether Tyler’s pleas were knowing, intelligent, and voluntary; (2) whether the circuit court properly exercised its

sentencing discretion; and (3) and whether the circuit court properly exercised its restitution discretion.

With regard to Tyler's guilty pleas, our review of the record—including the plea questionnaire/waiver of rights form, the addendum, the jury instructions, and the plea hearing transcript—confirms that the circuit court complied with its obligations for taking guilty pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. These obligations exist specifically to help ensure the validity of any plea. We thus agree with appellate counsel's conclusion in the no-merit report that there is no arguable merit to seeking plea withdrawal based on a claim that Tyler's pleas were anything other than knowing, intelligent, and voluntary.

With regard to the circuit court's sentencing decision, we note that sentencing is a matter for the circuit court's discretion. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. At sentencing, a court must consider the principal objectives of sentencing, including the protection of the community, the punishment and rehabilitation of the defendant, and deterrence to others. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. It must also determine which objective or objectives are of greatest importance. *Gallion*, 270 Wis. 2d 535, ¶41. In seeking to fulfill the sentencing objectives, the court should consider several primary factors, including the gravity of the offense, the character of the offender, and the protection of the public, and it may consider additional factors. *State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695. The weight to be given to each factor is committed to the court's discretion. *Id.* Our review of the record confirms that the court appropriately and thoughtfully considered the relevant sentencing objectives and factors. The court specifically

focused on the gravity of the offense. The resulting sentence was within the potential maximum authorized by law, *see State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and is not so excessive so as to shock the public’s sentiment, *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

As to the circuit court’s restitution decision, we agree with appellate counsel that any challenges to the circuit court’s restitution order would lack arguable merit because the record shows that the court properly exercised its discretion. *See State v. Fernandez*, 2009 WI 29, ¶20, 316 Wis. 2d 598, 764 N.W.2d 509 (“Reviewing the calculation of restitution involves a question of whether the [circuit] court misused its discretionary authority,” and this court may reverse that determination only if the circuit court “applied the wrong legal standard or did not ground its decision on a logical interpretation of the facts.”). The parties stipulated to the costs of funeral and burial expenses, but disputed restitution amounts as to travel expenses for the victim’s family members who lived outside of Wisconsin. The court found that the travel expenses were a direct result of the crime and that it was reasonable for the victim’s family to be present for the multiple hearings and the originally scheduled trial. We agree with appellate counsel’s assessment that there would be no arguable merit to a claim challenging the circuit court’s restitution order.

Our independent review of the record reveals no other potential issues of arguable merit.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Mark S. Rosen is relieved of further representation of Trevon Deonte Tyler 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