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DISTRICT I

August 18, 2026

To:

Hon. Brittany C. Grayson
Circuit Court Judge
Electronic Notice

John Blimling
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Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
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Annice Kelly
Electronic Notice

Darrell D. Spears 610417
Green Bay Correctional Institution
P.O. Box 19033
Green Bay, WI 54307-9033

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

2024AP2577-CRNM	State of Wisconsin v. Darrell D. Spears (L.C. # 2020CF4607)
2024AP2578-CRNM	State of Wisconsin v. Darrell D. Spears (L.C. # 2023CF858)

Before Donald, C.J., Colón, P.J., and Petrashek, 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).

Darrell D. Spears appeals from his judgments of conviction in these matters for two counts of being a felon in possession of a firearm and one count of felony bail jumping.¹ His appellate counsel, Attorney Annice Kelly, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24). Spears was advised of his right to file a response, but he did not do so. Upon this court's independent review of the

¹ On our own motion, we consolidate these matters for briefing and disposition purposes. See WIS. STAT. RULE 809.10(3) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

record as mandated by ***Anders***, and counsel's report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm. See WIS. STAT. RULE 809.21.

In December 2020, Spears was arrested on an outstanding warrant during a traffic stop. Spears was armed with a revolver, although he had a previous felony conviction. Police also discovered a bottle of Jack Daniels whiskey in the vehicle with only a small amount remaining in the bottle. Spears was charged with being a felon in possession of a firearm and endangering safety by use of a dangerous weapon while under the influence of an intoxicant.

Spears posted bail and was released from custody. He then failed to appear at a scheduled hearing in May 2021. A bench warrant was issued for his arrest.

In February 2023, Spears was stopped by police for illegally passing traffic on the right. Officers conducting the traffic stop discovered the outstanding warrant, as well as two outstanding warrants in Waukesha County. Spears was taken into custody, and his vehicle had to be towed from the scene of the stop. Prior to it being towed, officers conducted a search of the vehicle and discovered a semi-automatic handgun in a backpack in the back seat of the vehicle.

Spears was charged with being a felon in possession of a firearm and felony bail jumping. This case was joined with the earlier matter from December 2020.

The matters proceeded to trial in September 2023. A jury found Spears guilty of the two felon-in-possession counts, but acquitted him of the endangering safety charge. The circuit court imposed concurrent sentences resulting in three years of initial confinement followed by three years of extended supervision. This no-merit appeal follows.

The no-merit report discusses pretrial proceedings, the trial, and sentencing. First, with regard to pretrial matters, the no-merit report in particular addresses the circuit court's grant of the State's motion for joinder. The motion was ultimately heard and granted while Spears was not present in the courtroom, as he had refused to leave his jail cell—on two separate occasions—to attend the final pretrial conference where the motion was to be heard. The court decided to proceed with deciding the motion for joinder after Spears' second nonappearance, as the trial was scheduled to begin the following Monday, and the issue of joinder would impact the scheduling of witnesses.

The circuit court made a thorough analysis on the record regarding the law on joinder prior to granting the motion. The court then reiterated that analysis on the following court date when Spears did appear. We also note that this proceeding did not require Spears' presence under WIS. STAT. § 971.04.

Appellate counsel concludes there are no issues of arguable merit relating to joinder, or any other pretrial proceedings. We agree.

Next, the no-merit report discusses the sufficiency of the evidence. It details the evidence presented by the State at trial, which primarily consisted of testimony by the officers who were involved in the traffic stops of Spears. The report sets forth the applicable standard of review, noting that it is up to the jury to assess witness credibility. *See State v. Poellinger*, 153 Wis. 2d 493, 501, 503, 451 N.W.2d 752 (1990). We agree with appellate counsel's assessment that there are no issues of arguable merit relating to the sufficiency of the evidence supporting Spears' convictions.

Finally, the no-merit report discusses the circuit court's exercise of its discretion during sentencing. The record reflects that the court considered relevant sentencing objectives and factors. See *State v. Gallion*, 2004 WI 42, ¶¶17-18, 270 Wis. 2d 535, 678 N.W.2d 197; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. In particular, the court noted the bench warrant that had to be issued in the first matter due to Spears' nonappearance. It also discussed Spears choice to continue arming himself despite his prior felony conviction, which led to the additional prosecutions.

Additionally, the sentences imposed are within the statutory maximums, and are thus presumed not to be unduly harsh or unconscionable. See *State v. Grindemann*, 2002 WI App 106, ¶32, 255 Wis. 2d 632, 648 N.W.2d 507. We therefore agree with appellate counsel's conclusion that there would be no arguable merit to a challenge of Spears' sentences.

Our independent review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the convictions, and discharges appellate counsel of the obligation to represent Spears further in this appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Annice Kelly is relieved of further representation of Darrell D. Spears 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