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DISTRICT II

November 4, 2026

To:

Hon. Eugene A. Gasiorkiewicz
Circuit Court Judge
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Leonard D. Kachinsky
Electronic Notice

Tyrese G. Love #681455
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2026AP971-CRNM State of Wisconsin v. Tyrese G. Love (L.C. #2022CF1361)

Before Gundrum, Grogan, and LoCoco, 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).

Tyrese G. Love appeals from a judgment, following a jury trial, convicting him of attempted first-degree intentional homicide as a repeater with use of a dangerous weapon, first-degree recklessly endangering safety as a repeater with use of a dangerous weapon, and felon in possession of a firearm. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32[1] and ***Anders v. California***, 386 U.S. 738 (1967). Love received a copy of the report, was advised of his right to file a response, and has elected not to do so. After reviewing

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

the Record and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Following an alleged argument with some high school students, Love pulled out a firearm and started shooting at them. One of the students, "Zack,"[2] was struck by the gunfire and sustained life-threatening injuries. The other student, "James," was not struck by any bullets. The State charged Love with two counts of attempted first-degree intentional homicide and felon in possession of a firearm.

At trial, Zack testified he was walking to school with his friend, James, when they came up to a group of people. Someone from the group shot Zack but he did not know who. James was right behind Zack when Zack was shot. Zack called 911 for himself, police arrived, and Zack was taken to a hospital and subsequently transferred via "Flight for Life" to Children's Hospital of Wisconsin. An emergency room doctor testified Zack had life-threatening injuries and was immediately transferred to surgery.

Another witness, "Annie," testified she was walking to school with a group of people that included Love, and, after an argument between Love and another group of students, she saw Love pull out a gun and then heard gunshots. Love's then-girlfriend, "Amy," who was also with the group that included Love, testified that she saw Love pull out a gun and start shooting at the "guys" in the other group. Amy was also shown photographs taken inside a Kwik Trip

[2] Pursuant to the policy underlying WIS. STAT. RULE 809.86(4) and WIS. STAT. § 950.04, we use a pseudonym when referring to "Zack," "James," "Annie," and "Amy."

immediately before the shooting and identified Love as the person in their group wearing white shoes.

An officer testified he viewed a pixelated surveillance video overlooking the parking lot where the shooting took place. The video showed that the person in the group wearing white shoes:

> reached back towards his side, his right side or the right back part of his waist, and then extended his arm straight forward so that it was parallel with the ground. His arm then dropped down for a second, then brought back up, again, parallel to the ground before all the parties ran to the west.

The jury watched the surveillance video and saw the photographs. The officer testified that, during an interview, Love stated he "recalled pulling a gun out and hearing shots fired. And then he ran from that area."

At the close of the State's case-in-chief, Love moved to dismiss. The circuit court partially granted the motion with respect to the State's attempted first-degree intentional homicide charge involving James. The court reasoned that, although a material witness warrant was issued for James, he failed to appear at trial and, without James's testimony, it was speculation as to whether he was in the line of fire. However, the court observed that, in regard to James, the State had previously requested a lesser included charge of first-degree recklessly endangering safety, and the court determined that because the evidence suggested four shots were fired and Zack testified James was behind him at the time of the shooting, the evidence was sufficient to support this lesser included charge. The court denied Love's motion with respect to the other two counts.

Love did not testify. Ultimately, the jury convicted Love of attempted first-degree intentional homicide with use of a dangerous weapon, first-degree recklessly endangering safety with use of a dangerous weapon, and felon in possession of a firearm. He was sentenced to a cumulative sentence of 30 years' initial confinement and 15 years' extended supervision.[3] The circuit court also ordered Love to pay the costs associated with an attorney who was appointed by the court after the State Public Defender could not timely appoint an attorney for Love.

Love filed a postconviction motion asking the circuit court to vacate the attorney fees ordered in this case. The court granted Love's postconviction motion and amended the judgment of conviction. This no-merit appeal follows.

The no-merit report addresses whether the evidence was sufficient to support Love's conviction; whether the circuit court properly exercised its discretion at sentencing; whether trial counsel was ineffective; and whether the court erred in any of its various adverse rulings. We agree with counsel's analyses and conclusions as detailed in the no-merit report. We briefly comment on sufficiency of the evidence and sentencing.

The no-merit report addresses whether the evidence at Love's jury trial was sufficient to support his convictions. When reviewing the sufficiency of the evidence, we may not substitute our judgment for that of the jury "unless the evidence, viewed most favorably to the state and the

[3] The circuit court sentenced Love to consecutive sentences of 20 years' initial confinement and 10 years' extended supervision on the attempted-first-degree-intentional-homicide-as-a-repeater-with-use-of-a-dangerous-weapon count and 10 years' initial confinement and 5 years' extended supervision on the first-degree-recklessly-endangering-safety-as-a-repeater-with-use-of-a-dangerous-weapon count. On the felon-in-possession-of-a-firearm count, the court sentenced Love to 4 years' initial confinement and 4 years' extended supervision, concurrent to the sentences on the two other charges, but consecutive to any other sentence.

conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." ***State v. Poellinger***, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Our review of the Record persuades us that the State produced ample evidence to convict Love of his crimes.

As for attempted first-degree intentional homicide, the evidence introduced at trial established that Love intended to kill Zack by shooting a firearm at him, and but for the life saving measures provided by first-responders and hospital personnel, Love would have killed Zack. *See* WIS. STAT. §§ 939.32, 940.01(1)(a); WIS JI—CRIMINAL 1070. In regard to James and the first-degree recklessly endangering safety conviction, the evidence introduced at trial established Love endangered James's safety by shooting a firearm in James's direction because of an alleged verbal argument. *See* WIS. STAT. § 941.30(1); WIS JI—CRIMINAL 1345. The evidence also established Love committed both crimes with a firearm. *See* WIS. STAT. § 939.63. Finally, as for felon in possession of a firearm, Love stipulated he was a felon as of the date of the offense,[4] and both Amy and Annie testified Love had a firearm that day. *See* WIS. STAT. § 941.29(1m); WIS JI—CRIMINAL 1343. Based on all the evidence supporting the jury's verdict, we agree with counsel that a challenge to the sufficiency of the evidence would lack arguable merit.

The no-merit report also addresses whether the circuit court properly exercised its discretion at sentencing. The Record reveals that the court's sentencing decision had a "rational and explainable basis." *See* ***State v. Gallion***, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d

[4] Love personally stipulated that he was convicted of a felony in Racine County Circuit Court Case No. 2018CF1760.

197 (citation omitted). Moreover, the sentence imposed does not "shock public sentiment and violate the judgment of reasonable people concerning what is right and proper under the circumstances." *See* ***Ocanas v. State***, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We agree with counsel that a challenge to Love's sentence would lack arguable merit.

Our independent review of the Record—including jury selection, jury instructions, Love's waiver of his right to testify, and closing arguments—does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Leonard D. Kachinsky of further representation in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Leonard D. Kachinsky is relieved of further representation of Tyrese G. Love 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