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DISTRICT II

October 9, 2024

To:

Hon. Robert S. Repischak
Circuit Court Judge
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Leonard D. Kachinsky
Electronic Notice

Christopher Stanley Webster, #696121
Racine Youthful Offender Corr. Facility
P.O. Box 2500
Racine, WI 53404-2500

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

2023AP431-CRNM State of Wisconsin v. Christopher Stanley Webster
(L.C. #2019CF723)

Before Neubauer, Grogan and Lazar, 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).

Christopher Stanley Webster appeals a judgment of conviction for felony murder as a party to a crime. His appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Webster was

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

advised of his right to file a response but has not responded.² Based upon our review of the no-merit report, and following an independent review of the appellate record as mandated by *Anders*, we conclude that there is no non-frivolous issue that could be raised on appeal. Accordingly, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21(1).

Webster was initially charged with first-degree intentional homicide as a party to a crime by use of a dangerous weapon based on allegations that he was involved in setting up an armed robbery that went bad. Following bindover, the Information amended the charge to felony murder as a party to a crime. Webster's case was tried to a jury over seven days, during which the State presented considerable evidence (including highly incriminating text messages) tending to show that Webster had coordinated with two other individuals—one of whom testified against Webster—to rob E.M. and Jose Angel Padilla as they visited Webster's residence to smoke marijuana. Padilla was killed by a shotgun blast fired by one of those individuals as he was leaving Webster's residence.

The jury was instructed on the elements of felony murder, as well as the lesser-included offenses of attempted armed robbery and attempted robbery. It returned a guilty verdict for felony murder. The circuit court ordered a presentence investigation report and at sentencing imposed a twenty-year sentence, bifurcated as fifteen years' initial confinement and five years' extended supervision. The court made explicit that Webster's sentence was crafted taking into

² Webster filed a letter requesting that his appointed appellate counsel be discharged and that he be allowed to proceed pro se. However, Webster never responded to this court's order requesting a confirmation of his desire to proceed without an attorney after being advised of the risks of going unrepresented. By order, this court construed the lack of response as indicating Webster's desire to proceed with the no-merit procedure and set a date for his response. Webster made no further filings.

consideration his promised cooperation with the prosecutions of the other individuals involved in the murder.

The no-merit report addresses whether there would be any arguably meritorious basis for challenging the constitutional effectiveness of Webster's trial counsel, the circuit court's pretrial and evidentiary rulings, the sufficiency of the evidence supporting the conviction, and the court's exercise of its sentencing discretion. Our review of the appellate record satisfies us that the no-merit report sufficiently analyzes these issues and properly concludes that any challenge predicated upon them would be frivolous and lacking in arguable merit. Our review of the appellate record discloses no other nonfrivolous issues for appeal.

Therefore,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that Attorney Leonard D. Kachinsky is relieved of responsibility for further representing Christopher Stanley Webster in connection with this appeal. *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