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DISTRICT I

February 11, 2025

To:

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Circuit Court Judge
Electronic Notice

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

Angela Dawn Chodak
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Geremy Rashad Compton 708700
Dodge Correctional Inst.
P.O. Box 700
Waupun, WI 53963-0700

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

2023AP928-CRNM State of Wisconsin v. Geremy Rashad Compton
(L.C. # 2020CF2580)

Before White, C.J., Donald, P.J., and Geenen, 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).

Geremy Rashad Compton appeals his judgment of conviction entered after a jury found him guilty of first-degree reckless homicide using a dangerous weapon. His appellate counsel, Angela Dawn Chodak, has filed a no-merit report pursuant to ***Anders v. California***, 386 U.S. 738 (1967) and WIS. STAT. RULE 809.32 (2021-22).[1] Compton received a copy of the report and responded, and counsel filed a supplemental report. Upon this court's independent review of the

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

record as mandated by ***Anders***, counsel's reports, and Compton's response, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm.

Compton was charged in the shooting death of R.G. that occurred in July 2020. R.G.'s five-year-old daughter, K.A.G.G., was at home at the time of the shooting. She told police that earlier that day, R.G. had gotten into a verbal and physical confrontation with his girlfriend, S.M. K.A.G.G. stated that just before the shooting, R.G. was on his cell phone and walked out of the house while he was talking. She heard gunshots, saw that R.G. had been shot, and saw S.M.'s vehicle driving away. She heard a man yell from the car, "I told you I was gonna get you!"

Two .40 caliber bullet casings were found in the street. There was a trail of blood leading from the sidewalk to the front porch of the house, and to the front door. R.G.'s cell phone and eyeglasses were found on the front lawn.

The police interviewed S.M. She told them that she had told Compton, who is the father of her children, about her argument with R.G. She had stayed at Compton's residence on the night of the shooting, and noticed in the morning that her vehicle had been moved into a garage belonging to a friend of Compton's.

The police arrested Compton. A .40 caliber handgun was found in his apartment. In his statement to police, Compton admitted shooting R.G., but said he did so after R.G. had approached the vehicle with his hand in his pocket. Compton said he did not see a gun but that he feared for his safety, so he had shot once to stop R.G. from coming any closer.

Prior to trial, Compton filed a motion to suppress his statement to police.[2] He argued that the length of the interview was very long—over three hours, with one break of less than five minutes. He also asserted that the ***Miranda*** warnings[3] were not given until twenty-five minutes into the interview.

At a hearing on the motion, the video of the interview was shown, and testimony was heard from one of the detectives who interviewed Compton. The detective explained that "a lot of small talk happens" at the beginning of an interview, so that the detectives can "get a feel of how that individual is, if they're in their right mind, if they're clearheaded." When questioned about giving Compton a break during the interview, the detective noted that the interview took place approximately an hour after dinner is served in the jail.

Compton also testified at the hearing. He stated that he was a regular marijuana user, and was under the influence at the time of the interview.

Based on the testimony and the video of the interview, the trial court denied the motion. The court found that there was no violation of the requirements of ***Miranda***. The court further found that Compton's testimony about being under the influence of marijuana at the time of the interview was not credible. The interview took place ten hours after Compton was taken into custody. The court also observed that Compton told the detectives that day that he was *not* under the influence, and noted that his manner in court at the hearing was the same as it was in the

[2] Compton also filed a motion to suppress the identification made by S.M. of Compton driving her vehicle, which was obtained from surveillance video. That motion was withdrawn.

[3] *See* ***Miranda v. Arizona***, 384 U.S. 436 (1966).

interview. Additionally, the court found that the detectives did not use coercive tactics, characterizing it as a "mild-mannered interview."

The matter proceeded to trial in March 2022. Witnesses for the State included the responding police officers, the investigating detectives, and one of the detectives who interviewed Compton. The officer who conducted the forensic interview of K.A.G.G. also testified; the video of that interview was played for the jury, and K.A.G.G., who was then seven years old, was made available for cross-examination.

Compton testified in his own defense. He stated that he had gone looking for R.G., driving S.M.'s vehicle, to discuss his altercation with S.M. Compton claimed that he stopped the vehicle in front of R.G.'s house, and that R.G. came "rushing towards [him]" from the lawn to the public sidewalk in front of the street. Compton said it looked like R.G. was pulling something from his pocket or waistband, which Compton believed was a weapon. Compton said he told R.G. to stop but he kept approaching, so Compton pulled his firearm and shot "in [R.G.'s] direction."

On cross-examination, the State pointed out that the evidence of where the blood trail began did not support Compton's version of events—that R.G. had charged toward Compton while he was still in the vehicle—since the blood trail began close to the house. The State also impeached Compton numerous times on inconsistent statements.

The jury convicted Compton after deliberating for approximately half an hour. The trial court imposed a sentence of thirty-two years of initial confinement followed by thirteen years of extended supervision. Restitution for documented funeral expenses was also ordered, along with

$5,000 to the crime victims compensation fund; it was not contested. This no-merit appeal follows.

The no-merit report discusses pretrial rulings, including on the motion to suppress; jury selection; and the jury instructions provided, which included a self-defense instruction. Appellate counsel identified no issues of arguable merit. Counsel points out that the trial court did not engage in a colloquy with Compton regarding his right not to testify; however, although such a colloquy is suggested, it is not mandatory. ***State v. Denson***, 2011 WI 70, ¶8, 335 Wis. 2d 681, 799 N.W.2d 831.

The no-merit report also discusses the sufficiency of the evidence. It sets forth the applicable standard of review, noting that it is up to the jury to assess witness credibility and resolve any conflicts in the testimony. ***State v. Poellinger***, 153 Wis. 2d 493, 503, 451 N.W.2d 752 (1990). Appellate counsel points out that Compton admitted to shooting R.G., and thus the issue for the jury was whether Compton had reasonably acted in self defense. Counsel concludes that in light of the evidence, there would be no arguable merit to a claim that the evidence was insufficient to convict Compton. We agree with counsel's conclusion that there are no issues of arguable merit relating to the trial or to pretrial proceedings.

Additionally, the no-merit report discusses the trial 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, 40, 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. The court rejected Compton's claim of self defense, as the jury did; rather, the court stated that the shooting had

been committed in "cold blood," noting that K.A.G.G. had seen her father die from those gunshot wounds.

The no-merit report also addresses whether Compton's sentences could be considered excessive. 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. In fact, the trial court commented that this was not "a maximum case" since Compton had no prior convictions, although it was an "aggravated" crime "in many ways." We therefore agree with appellate counsel's conclusion that there would be no arguable merit to a challenge of Compton's sentence.

In his response, Compton raises two issues: whether his trial counsel was ineffective for failing to investigate a defense witness; and whether counsel was ineffective for failing to adequately prepare Compton to testify. Appellate counsel filed a supplemental report addressing these issues.

With regard to the failure to investigate a witness, appellate counsel observes that Compton did not name the potential witness or explain the evidence that would have been provided by that witness. While appellate counsel states that Compton told her about a potential witness in December 2022 who would have testified that R.G. was "being aggressive" toward Compton, there is no indication that any information regarding this purported witness was provided to trial counsel.

With regard to failing to adequately prepare Compton prior to his testifying, appellate counsel states that Compton does not explain how more preparation would have changed his testimony, or how such changes would have supported his claim of self defense, particularly in

light of the evidence offsetting that claim. Therefore, appellate counsel concludes that there would be no arguable merit to a claim of ineffective assistance of trial counsel based on either of the issues raised by Compton. We agree.

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

Upon the foregoing,

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

IT IS FURTHER ORDERED that Attorney Angela Dawn Chodak is relieved of further representation of Geremy Rashad Compton 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