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DISTRICT II

April 9, 2025

To:

Hon. Timothy D. Boyle
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Donterious L. Robb #697791
Racine Correctional Inst.
P.O. Box 900
Sturtevant, WI 53177-0900

Dustin C. Haskell
Electronic Notice

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

2024AP1693-CRNM State of Wisconsin v. Donterious L. Robb (L.C. #2019CF890)

Before Gundrum, P.J., Neubauer 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).

Donterious L. Robb appeals from a judgment of conviction and an order denying his postconviction motion. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Robb received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the Record, we conclude there are no

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

issues with arguable merit for appeal. We summarily affirm the judgment and order. *See* WIS. STAT. RULE 809.21.

Robb was convicted following pleas to kidnapping, armed robbery with threat of force, and robbery of a financial institution. He was accused of participating in an overnight kidnapping of a woman and her two small children as part of a plan to rob a bank.² For his actions, the circuit court imposed an aggregate sentence of 35 years of initial confinement and 20 years of extended supervision.

Robb subsequently filed a postconviction motion to withdraw his pleas on grounds that (1) the circuit court failed to ask him at the plea hearing whether any promises were made to him and (2) he was induced to enter his pleas based on a promise made by his trial counsel that the court would sentence him to no more than ten years of confinement time. The circuit court denied the motion without an evidentiary hearing, and this court reversed and remanded for one. *See State v. Robb*, No. 2023AP183-CR, unpublished op. and order (WI App Nov. 22, 2023). After an evidentiary hearing at which Robb's trial counsel testified and denied making such a promise to Robb, the circuit court again denied the postconviction motion. This no-merit appeal follows.

The no-merit report addresses the propriety of Robb's pleas and whether any basis exists to challenge them after the evidentiary hearing. Likewise, the no-merit report addresses whether the circuit court properly exercised its discretion at sentencing. This court is satisfied that the

² The woman was the bank's branch manager. During the kidnapping, Robb and his accomplices also took the woman's money, cell phone, and car.

no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

Our review of the Record discloses no other potential issues for appeal.³ Accordingly, this court accepts the no-merit report, affirms the judgment and order, and discharges appellate counsel of the obligation to represent Robb further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Dustin C. Haskell is relieved of further representation of Donterious L. Robb in 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

³ The transcript of the January 14, 2020 status conference is not in the Record. Appellate counsel requested the transcript, but the court reporter was unable to produce it due to an equipment problem. Appellate counsel does not believe the missing transcript contains an issue of arguable merit. We agree. We also note that Robb's subsequent pleas forfeited the right to raise nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *See State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886; *see also State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.