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DISTRICT I

April 29, 2025

To:

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Circuit Court Judge
Electronic Notice

Michael S. Holzman
Electronic Notice

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

Antoine Lee Baskin, Jr. 677332
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P.O. Box 3310
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John Blimling
Electronic Notice

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

2024AP913-CRNM State of Wisconsin v. Antoine Lee Baskin, Jr. (L.C. # 2020CF2943)

Before White, C.J., Geenen, and Colón, 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).

Antoine Lee Baskin, Jr. appeals from his judgment of conviction entered after a jury found him guilty of one count of armed robbery with the use of force and four counts of first-degree recklessly endangering safety using a dangerous weapon, all as a party to a crime. His appellate counsel, Michael S. Holzman, has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967) and WIS. STAT. RULE 809.32 (2023-24).¹ Baskin received a

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

copy of the report and was advised of his right to file a response, but he did not do so. Upon this court's independent review of the 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.

The charges against Baskin stem from a gun fight at Liberty Heights Park in West Allis in July 2020. The incident occurred in the middle of the afternoon, when there were many people on the basketball court, at the playground, and in the general area. Furthermore, the park is located in a residential neighborhood.

Police officers investigating the shooting discovered that the apparent targets of the shooting were Z.J.H. and D.D.M. Z.J.H. told police that she and D.D.M. were currently dating. Z.J.H. stated that her brothers were "very close" to her previous boyfriend, and did not like D.D.M. She said that several of their friends had threatened D.D.M. on Facebook, including someone she knew as "Twon." She identified Baskin as Twon.

Z.J.H.'s previous boyfriend had given her a black Ford Mustang, which she and D.D.M. drove to the park that day. While at the park, Z.J.H. was sitting in the Mustang while D.D.M. was playing basketball, when she noticed a brown Cadillac circling the area. She saw that Baskin was inside that vehicle.

Z.J.H. said that she and D.D.M. were about to leave the park when the Cadillac stopped in front of the Mustang. Three men then exited the Cadillac and began shooting at Z.J.H. and D.D.M. D.D.M. told police that he returned fire in defense of himself and Z.J.H. Both Z.J.H. and D.D.M. identified Baskin as one of the shooters from the Cadillac.

Z.J.H. stated that Baskin then ordered her out of the Mustang and said to leave the key. She exited the vehicle and ran away.² The Mustang was found by police a short distance from the park, where it had crashed and been abandoned. There were several bullet holes in the vehicle.

Police recovered thirty-six spent shell casings in the park after the incident, from four different guns. Other vehicles in the park that day were also damaged by gun fire, as well as a neighboring house. Furthermore, an uninvolved bystander, who had picked up her children and started running when the shooting started, was shot in the elbow.

Baskin, along with two other co-actors, were charged with one count of armed robbery with the use of force and four counts of first-degree recklessly endangering safety using a dangerous weapon, all as parties to a crime. The matter proceeded to trial in May 2022, with Baskin and one of the co-actors, Sharod Malachi Nunnery, tried jointly.³

At the trial, Z.J.H. and D.D.M. both testified substantially the same as their statements to police after the incident. The victim who was shot in the elbow also testified. Additionally, a

² Z.J.H. and D.D.M. fled the park in a friend's vehicle after the gun fight, and D.D.M. discarded his gun in an alley. Officers conducted a traffic stop of that vehicle not far from the park shortly after the incident, and Z.J.H. and D.D.M. were taken into custody on suspicion of being involved. They did not immediately provide identification information to the police for Baskin or the other men who were in the Cadillac, saying that they were scared. However, they subsequently gave full statements about the incident during custodial interviews.

³ In addition to Baskin, Z.J.H. and D.D.M. both identified Nunnery and a third co-actor as the shooters from the Cadillac. However, charges against the third co-actor were dismissed after information obtained from his GPS tracking monitor indicated that while he was in the vicinity of the park on the day of the gun fight, he was not there during the pertinent time frame.

neighbor who witnessed the shooting testified about seeing one of the shooters get into the Mustang and drive away.

The State also called as witnesses several police officers who responded to the scene, as well as officers involved in the investigation of the shooting. It presented evidence regarding the interviews with Z.J.H. and D.D.M., the number and location of the shell casings recovered, and the recovery of the Mustang. The State also presented surveillance video obtained from the park, which had recorded portions of the incident.

Police had also recovered the Cadillac after the shooting. In their search of that vehicle, they found a receipt from a McDonald's on National Avenue, dated the night before the gun fight. Surveillance video from that McDonald's showed two occupants inside the Cadillac who matched Baskin's and Nunnery's descriptions. This evidence was also presented to the jury.

The jury found Baskin guilty of all charges.⁴ The circuit court imposed a global sentence of fifteen years of initial confinement followed by fifteen years of extended supervision. This no-merit appeal follows.

The no-merit report discusses pretrial rulings, jury selection, Baskin's waiver of his right to testify, and the circuit court's response to objections made at trial, and found no issues of arguable merit. The report also addresses the sufficiency of the evidence, describing the elements the State was required to prove and detailing the evidence that was presented. The report set forth the applicable standard of review, noting that it is up to the jury to assess witness

⁴ The jury also found Nunnery guilty of all charges.

credibility, particularly Z.J.H.'s and D.D.M.'s testimony as they identified Baskin and Nunnery as the shooters. *See State v. Poellinger*, 153 Wis. 2d 493, 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 trial or the pretrial proceedings.

Additionally, the no-merit report discusses the circuit court's exercise of its discretion during sentencing. *See State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. The record reflects that the circuit court considered relevant sentencing objectives and factors. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. In particular, the court observed that the gun fight took place in the middle of a park filled with people, with an innocent bystander being shot in the elbow as she was carrying her children while fleeing the gunfire.

The report also addresses whether Baskin'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. For these reasons, we agree with appellate counsel's conclusion that there would be no arguable merit to a challenge of Baskin's sentences.

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 Baskin further in this appeal.

For all the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Michael S. Holzman is relieved of further representation of Baskin 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