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WISCONSIN SUPREME COURT OF APPEALS

DISTRICT 1

Case No. 2013AP1294-W & 2013AP1295-W

STATE OF WISCONSIN,  
Plaintiff-Respondent,  
Vs.

Milwaukee Co. Case  
No(s) 2005CF006918  
& 2006CF002557

DANIELLE MARIE VALOE,  
Defendant-Appellant.

PETITION FOR REVIEW

APPENDIX OF THE DEFENDANT-APPELLANT  
DANIELLE M. VALOE

SUBMITTED BY:

Defendant-Appellant  
Danielle M. Valoe  
Pro-Se

Address:

Robert E. Ellsworth Correctional Center  
21425A Spring Street  
Union Grove, WI 53182  
Danielle M. Valoe #309682

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**DEFENDANT'S EXHIBIT**  
 # 1

**WHITE COLLAR CRIME  
 CIRCUIT COURT  
 CRIMINAL DIVISION**

**STATE OF WISCONSIN**

**MILWAUKEE COUNTY**

**COURT COPY  
 DO NOT REMOVE**

STATE OF WISCONSIN

Plaintiff

CRIMINAL COMPLAINT

vs.

Valoe, Danielle M.  
 2534 N. 45<sup>th</sup> Street  
 Milwaukee, Wisconsin 53210  
 (DOB: February 29, 1976)

Complaining Witness:

Thomas Flock

Defendant(s)

DA Case Number: 05XF8629

Circuit Court Case Number:

05CF 000918

**THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE NAMED DEFENDANT(S) IN THE COUNTY OF MILWAUKEE, STATE OF WISCONSIN.**

**COUNT 01: CONSPIRACY TO COMMIT THEFT BY FRAUD (VALUE > \$10,000)**

Between June, 2005 and October, 2005, in the City and County of Milwaukee, the above-named defendant did conspire with others to obtain title to the property of US Bank, having a value exceeding \$10,000, by intentionally deceiving US Bank with a false representations known by the defendant to be false and made with the intent to defraud US Bank and further, that the above-named defendant took acts in furtherance of this conspiracy, contrary to Wisconsin Statutes section 943.20(1)(d) & (3)(c) and 939.31.

**AS TO COUNT 01:**

Upon conviction of this charge, a Class G Felony, the maximum possible penalty is a fine of not more than \$25,000 or imprisonment for not more than 10 years or both.

Your complaining witness states that he is a detective employed by the City of Milwaukee Police Department. Your complaining witness states that he makes this complaint based upon his own investigation, based upon statements made to him by adult citizens whom he believes to be reliable and based upon his review of reports prepared by fellow City of Milwaukee police officers. Complaining witness states that he has reviewed such reports in the past and has found them to be accurate and reliable.

Complaining witness states that he was contacted by Mary Pat Panetti who identified herself as a security officer with the US Bank Corporation. Ms. Panetti informed your complaining witness that the bank had suffered significant losses as a result of a scheme where accounts were opened at the bank. The balances in these accounts would then be inflated with worthless checks or empty envelopes deposited into the accounts through automatic teller machines. Withdrawals would then be made from these accounts before the bank realized that the checks deposited were not valid or that empty envelopes had been deposited in automatic teller machines. Ms. Panetti informed your complaining witness that when she began to investigate these incidents, she collected photographs that the bank took through the use of cameras in automatic teller machines and a number of those photographs showed the defendant involved in empty envelope deposits, deposits of worthless checks and then subsequent withdrawals from accounts.

**Account of Tiffany S. Perdue**

The report provided by Ms. Panetti shows that on July 12, 2005 a person identifying herself as Tiffany Purdue opened a checking and savings account at the US Bank located at 4333 S. 27<sup>th</sup> Street in the City of Greenfield, County of Milwaukee. Between September 7, 2005 and

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**Valoe, Danielle M.      DOB: February 29, 1976****Page - 2 -**

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September 15, 2005, five deposits were made into that account totaling \$3,600. These deposits consisted of two worthless checks, one drawn on the account of Clarence Banks, Jr. and the second drawn on the account of Ivory J. Newell. In addition, three empty envelope deposits were made into the account. As a result of this activity, the bank suffered a loss of \$2,321.35.

Complaining witness states that the report prepared by Ms. Panetti shows that on September 8, 2005 shortly after 7:00 a.m., two withdrawals were made from the account at an ATM located at 5220 W. North Ave. in the City and County of Milwaukee. Complaining witness states that he has viewed the photographs that were taken at the time of that transaction, and they depict the defendant as the person making the transaction. Ms. Panetti's report shows that on September 15, 2005 at that same ATM, a \$700 empty envelope transaction deposit was made into the account along with three withdrawals totaling \$440. Complaining witness states that he has reviewed the photographs that were taken during this transaction and they show the defendant as the person conducting these transactions. In addition, your complaining witness states that he received the actual envelope from Ms. Panetti and that that envelope was turned over to the City of Milwaukee Police Department Bureau of Identification where it was processed for fingerprints by Document Examiner Judith Immel. Document Examiner Immel was able to develop a latent fingerprint from the front of this empty envelope and that print was identified by her as the right thumb of the defendant.

Ms. Panetti's report shows that two empty envelope deposits were made into the account at an ATM located at 7500 W. Good Hope Road in the City and County of Milwaukee on September 14, 2005 at 4:34 and 4:36 p.m. Complaining witness states that he received the empty envelopes from Ms. Panetti and that these also were turned over to Document Examiner Immel. When Document Examiner Immel examined the envelope from the transaction which took place at 4:34 p.m., she located two latent prints which were identified as the defendant's left ring finger and the defendant's right ring finger. When Document Examiner Immel examined the empty envelope that was used to make a \$500 deposit at 4:36 p.m., she was able to locate four fingerprints which were identified as the defendant's right thumb, right middle finger, right ring finger and right little finger.

#### **Account of Anthony Rogers**

Ms. Panetti's report shows that on June 20, 2005, a person identifying himself as Anthony L. Rogers opened an account at the US Bank located at 4333 S. 27<sup>th</sup> Street, in the City of Greenfield, County of Milwaukee. Two empty envelope deposits each in the amount of \$5,000 were made to the account on June 28 and June 29, 2005 respectively. During that same time period, withdrawals were made to the account resulting in a loss to the bank of \$5,059.84.

Complaining witness states that Ms. Panetti's report shows that on June 28, 2005 at approximately 2:36 p.m., a \$5,000 empty envelope deposit was made into an ATM machine located at 4701 Washington Street in Racine, Wisconsin. Complaining witness states that he has reviewed the photographs that were taken by the ATM machine during this transaction, and they show that the defendant along with an unknown black male were the ones who conducted this transaction.

#### **Account of Raina Lewis**

Ms. Panetti's report shows that on May 23, 2005, a person identifying herself as Raina Lewis opened a checking account at the US Bank located at 9921 W. Capitol Drive in the City and County of Milwaukee. On August 2, 2005, two worthless checks drawn on an account of Orlando Champion were deposited into the account. One of these checks was written in the amount of

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**Valoe, Danielle M.      DOB: February 29, 1976****Page - 3 -**

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\$4,300 and the other was written in the amount of \$300. Thereafter a number of withdrawals were made on the account causing US Bank to sustain a loss of \$308.62.

Your complaining witness states that Ms. Panetti's report shows that the deposit into the account was made at an ATM located in West Bend, Wisconsin on August 2, 2005 at approximately 1:39 p.m. Complaining witness states that he has reviewed the photographs that were taken by the ATM machine at the time the deposit was made, and they show that the defendant was the person depositing both of the worthless Orlando Champion checks into the account. Ms. Panetti's report shows that a \$500 withdrawal was made from the account on August 3, 2005 at approximately 7:18 a.m. at the ATM located at 5220 W. North Ave. in the City and County of Milwaukee. Complaining witness states that he has reviewed the photograph taken by the ATM during this transaction and that photograph depicts a heavyset African-American woman with features the same or similar to those of the defendant.

**Account of Tiara Lee**

Ms. Panetti's report shows that on June 28, 2005, a person identifying herself as Tiara Lee opened an account at the US Bank located at 5220 W. North Ave., in the City and County of Milwaukee. On August 18, 2005, a \$1,200 worthless check drawn on the account of Lawrence Steven Perry in the amount of \$1,200 was deposited into the account at an ATM located at 5526 W. Capitol Drive in the City of Milwaukee. On August 21, 2005, a \$1,300 worthless check drawn on the defendant's closed account at Guaranty Bank was deposited into the account at an ATM located at 5220 W. North Ave. Your complaining witness states that he has viewed the photographs taken by the ATM camera in connection with the deposit of the defendant's worthless check, and they show the defendant as being the person who conducted this transaction. Complaining witness states that he has viewed the photographs taken in connection with the August 18, 2005 deposit of the \$1,200 worthless check and that that photograph shows a heavyset African-American female with the same or similar features as the defendant. Ms. Panetti's report shows that as a result of this activity, the bank suffered a loss of \$1,976.53.

**Account of Walter Hamilton**

Ms. Panetti's report shows that on August 25, 2005, a person identifying himself as Walter Hamilton opened an account at the US Bank located at 4200 W. Brown Deer Road in the Village of Brown Deer, County of Milwaukee. Bank records show that on September 3, 2005, a \$100 deposit was made at the ATM located at 709 E. Capitol Drive in the City and County of Milwaukee. This deposit consisted of a worthless check drawn on the account of Clarence Banks, Jr. A second worthless check drawn on the same account was deposited on September 5, 2005 at an ATM in Madison, Wisconsin. On September 19, 2005, a \$2,200 worthless check drawn on the account of Anthony D. Harrold and an \$800 worthless check drawn on the account of Ivory Newell were deposited into the account.

Your complaining witness states that he reviewed photos from the ATM in connection with the September 3, 2005 deposit, and those photos show a heavyset black female whom your complaining witness believes to be the defendant. As a result of the activity on this account, US Bank suffered a loss of \$112.89.

**Account of Inetta Digby**

Ms. Panetti's report shows that on August 26, 2005, a person identifying herself as Inetta Digby opened an account at the US Bank located at 5220 W. North Ave. in the City and County of

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**Valoe, Danielle M. DOB: February 29, 1976****Page - 4 -**

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Milwaukee. On October 1, 2005, a NSF check drawn on the account of Anthony Harrold was deposited into the account at an ATM located at 5526 W. Capitol Drive in the City of Milwaukee. On October 3, 2005 at the same ATM, a \$300 worthless check drawn on the account of John Levy and a \$200 worthless check drawn on the account of Kelly Michelle Davis were deposited into the account. On October 27, 2005, a \$5,000 check drawn on the account of Lakesia Burks which was subsequently returned NSF was deposited into the account at the US Bank located at 709 E. Capitol Drive in the City of Milwaukee.

Your complaining witness states that he has reviewed the photo taken at the time of the transaction occurring on October 3, 2005 at 5526 W. Capitol Drive and that the photo shows the defendant as the person who conducted that transaction. Complaining witness states that he has reviewed the photograph taken in connection with the October 1, 2005 deposit and the photograph depicts a heavysset black female whom your complaining witness believes to be the defendant.

**Account of Anthony Harrold**

Ms. Panetti's report shows that on September 23, 2005, a person identifying himself as Anthony Harrold opened a checking account at the US Bank located at 4333 S. 27<sup>th</sup> Street in the City of Greenfield, County of Milwaukee. Bank records further show that on October 2, 2005, a \$100 deposit was made with a worthless check drawn on the account of Kelly Michelle Davis. On November 7, 2005, a \$3,800 check drawn on the account of Raziq Imani and a \$2,200 check drawn on the account of Joe Deggins were deposited into the account. Both of these checks were returned as worthless.

Ms. Panetti's report shows that on October 3, 2005 at approximately 8:44 a.m., a \$100 withdrawal was made from the account at the ATM located at 5526 W. Capitol Drive in the City and County of Milwaukee. Complaining witness states that he viewed the photograph that was taken in connection with that transaction, and it shows the defendant as the person who made the withdrawal. It should be noted that this transaction occurred sequentially with the Inetta Digby deposit noted above. Ms. Panetti indicated that as a result of the activities on this account, the bank suffered a loss of \$147.

Complaining witness states that in addition to the activity set forth above at US Banks he is aware that the defendant has set up similar accounts at other banks. Your complaining witness has reviewed police reports written by Milwaukee Police Officer Ryan Dewitt who was involved in the arrest of Lakesia Burks on October 28, 2005 after Ms. Burks attempted to deposit two worthless checks into her account at the Legacy Bank located at 2102 W. Fond Du Lac Ave. in the City and County of Milwaukee. On October 27, 2005, Ms. Burks had deposited two worthless checks, one drawn on the account of Raziq Imani in the amount of \$2,000 and the other on an account in the name of Clarence Goodman in the amount of \$3,000.

Lakesia Burks was then interviewed by Milwaukee Police Detective Carlos Negrón, and Ms. Burks told Detective Negrón that she met the defendant in August of 2005 and the defendant convinced her to open a checking account. The defendant told Ms. Burks that she would put "8 stacks" into the account. Mr. Burks understood this to mean \$8,000. Of this amount, Ms. Burks was to receive \$4,000 and the defendant would receive \$4,000. The defendant also told Burks that if Burks got other people to do this, the defendant would pay Burks \$1,000. Burks stated that after this conversation with the defendant she did open an account at the Legacy Bank. She stated that the checks that she deposited into the account were received from Yashica Highshaw. She stated that

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**Valoe, Danielle M.      DOB: February 29, 1976****Page - 5 -**

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Highshaw was the defendant's cousin and was the person who introduced her to the defendant. Highshaw told Burks that the checks had come from the defendant and that Highshaw would take Burks to the bank so they could be deposited. Burks stated that when she received the \$2,000 and \$3,000 checks, they were already filled out and her name was already signed on the back of the check.

Your complaining witness states that as set forth above, a \$5,000 check from the Lakesia Burks' account was deposited into the Inetta Digby account on October 27, 2005. A \$3,800 check on the Raziq Imani account was deposited into the Anthony Harrold account on November 7, 2005. In addition, when Ms. Burks was arrested on October 28, 2005, she was attempting to deposit a check drawn on the account of Joe Deggins at Johnson Bank. Another check from the Deggins' account was deposited into the Anthony Harrold account on November 7, 2005.

Your complaining witness states that he spoke to Raina Lewis regarding the activities on her U.S. Bank account. Lewis told him that she gave the defendant who she knew as "Red" Ms. Lewis's social security number and U.S. Bank card. She stated that an ex boyfriend told her that she could make money if she gave this information to the defendant. The defendant then called her over a period of two months and told her that nothing bad would happen and that they would both make some money. The defendant told Lewis that she would put \$5,000 - \$10,000 into Lewis's account and that they would split the proceeds. Lewis stated that she did not write the checks off of her account. She identified the defendant from an August 2, 2005 bank photo.

Your complaining witness has also received information from Cully Botcher who is with Corporate Security with the Johnson Bank. Botcher informed your complaining witness that on October 27, 2005, a \$5,000 ATM deposit was made into Joseph Deggins' Johnson Bank account in the form of a \$5,000 check drawn on the Inetta Digby account. Your complaining witness states that he has reviewed the photos from the ATM transaction on October 27, 2005. The photos show a heavysset woman with the same or similar features as the defendant making the deposit.

Your complaining witness states that during the course of his investigation, he determined that the defendant was on probation for the crime of forgery. He then contacted the defendant's probation agent and arranged to take her into custody at the probation agent's office. After the defendant was taken into custody she was advised of her Miranda rights and agreed to talk to your complaining witness. Your complaining witness read her a list of names of the individuals whose checks and accounts were involved. The defendant indicated that she knew Tiffany Perdue who is her brother's ex fiancé. She also stated that she knew Clarence Banks, Jr. who is her uncle, Orlando Champion who is her cousin, Pamela Perdue who is Tiffany Perdue's mother, Dominique Champion who is her brother, Donte Champion who is also her brother, Lakesia Burks who is a neighbor and Juanita Huff who is her grandmother. She also stated that she knew Tiffany Cade who is a cousin, Lacy Cade who is Dominique Champion's girlfriend and Annie Thames who is known to her as Andell.

Your complaining witness states that he then showed the defendant photographs of her making deposits into the accounts of Inetta Digby and Anthony Harrold, individuals whom she claimed she did not know. She then stated that she might know these people by nicknames but not by their real names. The defendant denied any wrongdoing and stated that she helped people make deposits into their bank accounts but she doesn't withdraw money and she never took money from the bank. The defendant stated she is unemployed but she has access to cars. Sometimes her

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Valoe, Danielle M.

DOB: February 29, 1976

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uncle rents a car for her and sometimes she pays cash and rents the car herself. Your complaining witness states that at the time the defendant made this statement he had not shown her photographs of her making withdrawals from these accounts.

Your complaining witness states that Ms. Panetti informed him that no one at US Bank gave the defendant permission to, along with other individuals, open the accounts listed above at US Bank and deposit over \$30,000 of worthless checks into the accounts. As a result of the activity on only the accounts listed above, the bank suffered losses that exceed \$9,000. Ms. Panetti indicated that there were other accounts into which the same checks or types of checks were deposited using the same names. They were also involved in the scheme resulting in a total loss to the bank of over \$27,000.

\*\*\*End of Complaint\*\*\*

Subscribed and sworn to before me and approved for filing on this 12th day of December, 2005

DEPUTY ASSISTANT DISTRICT ATTORNEY

Complaining Witness

David A. Feiss\JO

-- FELONY COMPLAINT --

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TYPIST: JO

#1E

WHITE COLLAR CRIME  
CIRCUIT COURT

STATE OF WISCONSIN CRIMINAL DIVISION MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff

CRIMINAL COMPLAINT

vs.

Valoe, Danielle M.  
2534 N. 45<sup>th</sup> Street  
Milwaukee, Wisconsin 53210  
(DOB: February 29, 1976)

Complaining Witness:

Thomas Flock

DA Case Number: 06XF2975

Circuit Court Case Number:

06CF02557

Banks Jr., Clarence NMI  
5806 N. 36<sup>th</sup> Street  
Milwaukee, Wisconsin 53218  
(DOB: September 14, 1953)

Defendant(s)

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THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE NAMED DEFENDANT(S) IN THE COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

COUNT 01: CONSPIRACY TO COMMIT THEFT BY FRAUD (VALUE > \$10,000) (As to Defendants Danielle Valoe and Clarence Banks, Jr.)

2,500 - 3,000 Amended 10/10/06

Between August 30, 2005 and October 2005, in the City and County of Milwaukee, the above-named defendants did conspire to obtain title to property of Wells Fargo Bank, having a value exceeding \$10,000, by intentionally deceiving Wells Fargo Bank with false representations known by the defendants to be false and made with the intent to defraud Wells Fargo Bank and further that the above-named defendants took acts in furtherance of this conspiracy, contrary to Wisconsin Statutes section 943.20(1)(d) & (3)(e) and 939.31.

2,500  
not 5,000

(M.F.)

CLASS I FELONY

AS TO COUNT 01:

Upon conviction of this charge, a Class G Felony, the maximum possible penalty is a fine of not more than \$25,000 or imprisonment for not more than 10 years or both.

Complaining witness states that he is a detective employed by the City of Milwaukee. Complaining witness states that he makes this complaint based upon information given to him by adult citizens whom he believes to be reliable and based upon statements made by the defendant Clarence Banks, Jr. The statements made by defendant Banks were made against defendant Banks' penal interest and are therefore presumed to be reliable.

Your complaining witness states that he received information from Jim Sorensen who identified himself as a vice president with Wells Fargo Bank involved in financial crime investigations. The information provided by Mr. Sorensen showed that on August 30, 2005, the defendant Clarence Banks opened an account at Wells Fargo Bank at the bank branch located at 7600 West Hampton Avenue in the City and County of Milwaukee. During the time period from the opening of the account on August 30, 2005 through the end of September of 2005, six checks totaling \$10,100 were deposited into the account. Three of these checks were written on an account in the name of Anthony Harold at Bank M... The Harold account checks were check 1094 dated 9-19-05 made payable to Banks in the amount of \$1,000, Check 1097 dated 9-20-05 in the amount of \$1,600 and check 1098 dated 9-22-05 in the amount of \$2,000. Checks 1086, dated 9-20-05 in the amount of \$1,500 was written on an account held in the name of Ronnell Cegers at Guaranty Bank. Check 1034 dated 9-22-05 in the amount of \$2,000 was written on an account held in the name of Ivory Newell at TCF Bank. Check 565 dated 9-22-05 in the amount of \$2,000 was written on an account

#2A

Valoe, Danielle M. DOB: February 29, 1976  
Banks Jr., Clarence NMI DOB: September 14, 1953

Page - 2 -

held in the name of Walter Hamilton at U.S. Bank. Each of the six checks that were deposited into the account came back as uncollectable.

During the course of the investigation Milwaukee Police Document Examiner Judith Immel processed the originals of the checks for latent fingerprints. Document Examiner Immel located a print on the front of Anthony Harold check 1098. This print was subsequently identified as the left thumb of defendant Valoe. A print was located on the back of Harold check 1094. This print was identified as the right middle finger of defendant Valoe. A print was also located on the back of Newell check 1034. This print was identified as the right index finger of defendant Valoe.

Records provided by Wells Fargo Bank show that the bank took a loss on the account of \$9,232.98 as a result of these deposits. Included in that loss was a loss suffered as a result of a \$3,000 check that was made payable to cash and cashed by defendant Clarence Banks on September 23, 2005.

Your complaining witness states that he is familiar with defendant Danielle Valoe because she is currently charged with the offense of Conspiracy to Commit Theft by Fraud as a result of the opening of similar fraudulent accounts at US Bank in Milwaukee County Case No. 05CF006918. Your complaining witness states that in connection with those charges, checks were also used from the fraudulent Anthony Harold account.

Your complaining witness states that during the course of his investigation into this matter, he spoke with the defendant Clarence Banks. Prior to speaking with defendant Banks, your complaining witness was aware that in addition to the fraudulent account at Wells Fargo Bank, US Bank had also suffered a loss as a result of an account opened by Clarence Banks into which worthless checks were deposited and then withdrawals were made. Defendant Banks told your complaining witness that he was drinking one day after he had lost his job and defendant Danielle Valoe approached him. She asked him if he wanted to open a business and he indicated that he would because he needed money but he needed to know what he had to do. Defendant Valoe told him that she would need his social security card and ID card. In his initial statement to Detective Flock the defendant denied going to U.S. Bank and opening an account and had no recollection of opening a Wells Fargo account.

Your complaining witness states that he spoke to defendant Banks again 10 days later during which time defendant Banks acknowledged that he and Valoe opened an account in his name at U.S. Bank. He made a \$1,600 withdrawal from that account although he had never put any funds into the account. He kept \$200 of this and gave the rest to Valoe.

After the US Bank account was opened, defendant Valoe approached him about opening a second account at Wells Fargo Bank. Defendant Banks stated that when he opened both accounts, all the documents including the starter checks, debit checks and regular checks were given to defendant Valoe. Defendant Banks stated that after he made the \$1,600 withdrawal from US Bank, a couple of weeks went by and defendant Valoe came around and wanted him to open another bank account. They then went to the Wells Fargo Bank located at 76<sup>th</sup> and Hampton and she gave him \$25 to open the account. Again, all the paperwork connected with the account went to defendant Valoe including the debit card, PIN number, starter checks and regular checks. Defendant Banks

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#2B

Valoe, Danielle M. DOB: February 29, 1976  
Banks Jr., Clarence NMI DOB: September 14, 1953

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stated that after opening the account, defendant Valoe also asked him to rent a car for her. The car was put on a credit card that was in his name. He stated he had not had a credit card since about 1995 and that defendant Valoe supplied the credit card and he signed the papers to rent a car at Enterprise on Silver Spring Drive. Defendant Banks stated he did this two or three times and each time defendant Valoe would give him approximately \$60 towards his rent.

Defendant Banks stated that defendant Valoe went with him one time to withdraw some money from Wells Fargo on Hampton. He and defendant Valoe's sister Tasha went into the bank and withdrew \$3,000. He gave the \$3,000 to defendant Valoe and she gave him \$400 and told him that it was money to tide him over. Banks admitted that he had never put monies into the account to support a \$3,000 withdrawal. At that point in time he knew that there was no business that Danielle Valoe was starting in his name and that this was a scam. Defendant Valoe had originally told him that she would be opening up a vending business in his name.

The correspondence from Mr. Sorensen indicates that no one at Wells Fargo Bank gave either defendant permission to open an account and deposit fraudulent checks. The Wells Fargo Bank relied on the representation that the checks were good when they were deposited and therefore credited funds to the account. As a result of these false representations, Wells Fargo Bank suffered losses in connection with this account.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me  
and approved for filing on this 9th  
day of May, 2006

*[Signature]*

DEPUTY / ASSISTANT DISTRICT ATTORNEY

*Det. Thomas Block*

Complaining Witness

David A. Feiss\JO

-- FELONY COMPLAINT --

#2B

# Exhibit 4

## Accounts of Tiffany S Perdue

On 7/12/05, a person identifying herself as Tiffany S Perdue opened checking account #1-823-7195-4385 and savings account #2-823-9888-9703 at the US Bank located at 4333 S 27<sup>th</sup> St in Greenfield. She presented WI ID P630-8178-3910-05 as identification. She was issued CheckCard #4432-6428-3886-7835 which was also associated with account #1-823-7187-3197 that she opened on 01/10/05.

On 09/07/05, the balances in Ms. Perdue's accounts were as follows:

(1) 1-823-7187-3197	\$48.88
(2) 2-823-9888-9703	-\$25.00
(3) 1-823-7195-4385	-\$192.24

\* The following transactions then occurred to/from Ms. Perdue's accounts:

Date	Time	Acct.	Dep. Amt.	W/D Amt.	ATM/Bank/POS Location
9/07/05	17:48	(1)	\$900.00 (a)		ATM @ 4701 Washington, Racine
9/07/05	17:56	(2)	\$900.00 (b)		ATM @ 4701 Washington, Racine
9/07/05	17:56	(2)		\$60.00	ATM @ 4701 Washington, Racine
9/08/05	07:05	(2)		\$400.00	ATM @ 5220 W North Ave, Milw.
9/08/05	07:07	(3)		\$100.00	ATM @ 5220 W North Ave. Milw.
9/08/05	10:52	(1)		\$900.00 (c)	US Bank @ 5220 W North Ave. Milw.
9/08/05	11:44	(3)		\$12.67	POS @ Burger King, Milw.
9/08/05	15:54	(3)		\$56.16	POS @ 5929 W Lisbon Ave, Milw.
9/09/05	04:31	(3)		\$24.94	POS @ Col House Video, IN
9/10/05		(3)		\$10.60	Amoco Oil, Milw.
9/10/05	12:56	(3)		\$100.00	ATM @ 5220 W North Ave. Milw.
9/10/05	14:11	(3)		\$5.59	POS @ 5700 W Capitol Dr. Milw.
9/12/05	16:25	(3)		\$5.28	POS @ 5428 W North Ave. Milw.
9/13/05		(3)		\$6.09	POS @ Lisbon Citgo Milw.
9/14/05	16:34	(1)	\$600.00 (d)		ATM @ 7500 W Good Hope Rd Milw
9/14/05	16:35	(1)		\$100.00	ATM @ 7500 W Good Hope Rd Milw
9/14/05	16:36	(2)	\$500.00 (d)		ATM @ 7500 W Good Hope Rd Milw
9/14/05	16:37	(2)		\$100.00	ATM @ 7500 W Good Hope Rd Milw
9/15/05	06:43	(3)	\$700.00 (d)		ATM @ 5220 W North Ave. Milw.
9/15/05	06:44	(3)		\$300.00	ATM @ 5220 W North Ave. Milw.
9/15/05	06:45	(3)		\$100.00	ATM @ 5220 W North Ave. Milw.
9/15/05	06:45	(3)		\$40.00	ATM @ 5220 W North Ave. Milw.
			<b>Total</b>	<b>\$2,321.35</b>	

- (a) Check drawn on the Tri City Bank account of Clarence Banks Jr. returned "NSF". According to Eric Scott at Tri City Bank (414-761-1610), Mr. Banks account was closed on 9/20/05 due to notification from Chex Systems that he had been reported for fraud.
- (b) Starter check drawn on the TCF Bank account of Ivory J Newell returned "NSF". According to Lisa Fernandez at TCF Bank (630-286-5804) this account was subsequently forced closed on 9/23/05 with a negative balance.
- (c) Tiffany Perdue presented P630-8178-3910-05 as identification to Teller Lydia Rushing who processed the withdrawal.
- (d) **Empty Envelope Deposit**

Holds were placed on Ms. Perdue's accounts on 09/15/05 due to notification of the deposited checks being returned and the empty envelope deposits. **The bank sustained a loss of \$2,321.35 due to the activity in Ms. Perdue's accounts.** On 10/05/05, I contacted Ms. Perdue about the activity in her accounts. She stated that she did not know about the deposits and did not know where her ATM card was. When I continued to inquire about her involvement in the above activity, Ms. Perdue hung up.)

10/7/2005 1:18:28 PM  
Central Daylight Time

DVR Viewer



**DVR Video Snapshot**

Sidewalk : 3983 North 52nd  
Sat. Sep 10, 2005, 12:55:54 PM (Central Daylight Time)  
Event: No event selected

Exhibit 5



Video Capture Size: 352 x 240 pixels  
Video Frame Time: 9/10/2005 12:55:54 PM (Central Daylight Time)  
Media Input Name: Sidewalk  
DVR Location: 3983 North 52nd  
DVR Serial #: KBAA05515-4210  
DVR Station ID: 0

Tiffany Perdue 100.00 w/p

25

10/7/2005 1:21:42 PM  
Central Daylight Time

DVR Viewer



**DVR Video Snapshot**

ATM: 3983 North 52nd  
Sat, Sep 10, 2005, 12:55:56 PM (Central Daylight Time)  
Event: No event selected



Exhibit 5A

Video Capture Size: 352 x 240 pixels  
Video Frame Time: 9/10/2005 12:55:56 PM (Central Daylight Time)  
Media Input Name: ATM  
DVR Location: 3983 North 52nd  
DVR Serial #: KBAAG5015-4210  
DVR Station ID: 0

Account of Inetta Digby

On 8/26/05, a person identifying herself as Inetta Digby opened checking account #1-823-7208-7466 at the US Bank located at 5220 W North Ave in Milwaukee. She presented WI ID D210-4007-9703-04 as identification and was issued Check Card #4432-6428-3899-9356.

On 10/01/05, Ms. Digby's account was overdrawn (\$11.48) when the following transactions posted:

Date	Time	Dep. Amt.	W/D Amt.	ATM/Bank/POS Location
10/01/05	09:51	\$100.00 (a)		ATM @ US Bank 5526 W Capitol Dr.
10/01/05	09:51		\$100.00	ATM @ US Bank 5526 W Capitol Dr.
10/03/05	08:44	\$500.00 (b)		ATM @ US Bank 5526 W Capitol Dr.
10/08/05	13:00		\$350.00	US Bank @ 709 E Capitol Dr.
<del>10/27/05</del>	18:10	\$5,000.00 (c)		US Bank @ 709 E Capitol Dr.

- (a) \$100.00 check #1001 drawn on the Wells Fargo account of Anthony D Harrold subsequently returned NSF. Review of other checks drawn on Mr. Harrold's Wells Fargo account revealed a \$1,000.00 check, #1026, was deposited at the US Bank ATM located at 5526 W Capitol Court on 10/16/05. This check was made payable to Pamela Perdue and deposited to her account at Amcore Bank. According to Brad in Fraud Investigation at Amcore (815-961-2747), Ms. Perdue's account was opened on 9/23/05 and is currently overdrawn.
- (b) \$300.00 check #533 drawn on the Guardian Credit Union account of John M Levy subsequently returned NSF and a \$200.00 check #1027 drawn on the Associated Bank account of Kelly Michelle Davis, according to Sarah Daily at Associated Bank (414-283-2386), this account has since been closed due to a claim that her checks were stolen.
- (c) \$5,000.00 check #1026 drawn on the Legacy Bank account of Lakesia D Burks subsequently returned "NSF". According to Camille Lumpkin at Legacy Bank (414-343-6900), Ms. Burk was arrested on 10/28/05 when she attempted to deposit a \$2,000.00 starter check, #94, drawn on the account of Joseph Deggins at Johnson Bank which was confirmed to be worthless. Ms. Burk also had a \$3,000.00 check drawn on the account of Clarence Goodman Jr at Lakeside Credit Union and a \$2,000.00 check drawn on the account of Raziq T Imani at Guaranty Bank.

A hold was placed on Ms. Digby's check card on 10/04/05. US Bank has sustained a loss of \$250.00 due to the activity in Ms. Digby's account.

Exhibit 7

Exhibit 8

INVESTIGATIVE NARRATIVE

This report was written by P.O. Ryan DEWITT, assigned to District Three, Early Shift.

On 10-28-05, at 4:30 p.m., Squad 30, P.O. Thomas HARRIS, and I, Squad 33, were dispatched to a forgery at the Legacy Bank (2102 W. Fond du lac Ave.)

Upon arrival, security pointed out the vehicle (1989 Pontiac, 4dr, silver, Vin # 1G2AF51R6K6207879) the suspect was in. P.O. HARRIS had the suspect, Lakesia BURKS, set in the back of his squad while I spoke with the occupants of the vehicle. The driver, Shaunta L. WILLIAMS (B/F, 9-20-82, of 4022 N. 24th Pl., 444-1337) and the passengers: (Diane S. THOMAS, B/F, 12-10-85, of 4020 N. 24th Pl., no phone; Chernette M. BURKS, B/F, 4-4-79, of 2629 N. 45th St., 322-4661) stated that they had no knowledge of any forgery and were all hanging out when Lakesia BURKS said she had to go to a bank to deposit a check. The occupants of the vehicle were found to have no involvement and were released from the scene.

Meanwhile P.O. HARRIS spoke with BURKS who stated that she had been having financial difficulties and her employer, Yashica L. HIGHSHAW (B/F, 1-16-74, of 2622 N. 45th St., 793-6036) said that she would help her. BURKS works at Yashica's Child Care, 2622 N. 45th St. with HIGHSHAW, who is a close friend. Yesterday, 10-27-05, HIGHSHAW gave her two checks, one for \$2000.00 and one for \$3000.00 to help her out. BURKS took the checks and deposited them at Legacy Bank. Today, 10-28-05, HIGHSHAW gave her another check for \$3000.00 and she took it to Legacy Bank and attempted to deposit it into her account.

I spoke with the caller, Camille NMI LUMPKIN (B/F, 12-26-53, of 2102 W. Fond du lac, 343-3031) who stated that BURKS deposited two bad checks on 10-27-05 and attempted to deposit another at about 4:00 p.m. on 10-28-05. She provided me with copies of the checks. One of the checks (1044) she deposited on 10-27-05 was from Guaranty Bank and belonged to Raziq T. IMANI (5800 N. 87th St.). The check was written for \$2000.00 on 10-24-05 and in the memo was written rent deposit. The check couldn't be deposited due to lack of funds. The other check (1126) was from Lakeside Credit Union and belonged to Clarence GOODMAN Jr. (B/M, 11-20-65, of 4019 N. 74th St., 527-3230). The check was written for \$3000.00 on 10-26-80 and in the memo was written car & title. This check couldn't be deposited due to lack of funds. The check BURKS attempted to deposit on 10-28-05 was from Johnson Bank and belonged to Joseph J. DEGGINS (B/M, 1-28-63, of 1455 N. 30th St. Apt. 5, 630-5688). The check was written for \$3000.00 on 10-26-05 and in the memo was written car & title. This check couldn't be deposited due to lack of funds. LUMPKIN was alerted of the checks and contacted Johnson Bank and spoke with Mike LISOWSKI (W/M, 10-26-51, of 333 E. Wisconsin Ave., 287-6465) who stated that DEGGINS had deposited a \$5000.00 check in his checking account on 10-27-05 and withdrawn \$4000.00 on 10-27-05. Both DEGGINS and BURKS opened their checking accounts in September.

I asked BURKS if she knew IMANI, GOODMAN, or DEGGINS and she stated no. She said she didn't look at the checks, she only deposited them. She didn't ask HIGHSHAW about the checks when she received them. The penmanship on all three of the checks was very similar so I asked BURKS to write Three thousand. Her handwriting was similar to the handwriting on the checks. BURKS said that she didn't write any of the checks.

I spoke with HIGHSHAW who stated that she has known BURKS for two months and she doesn't work at the daycare. HIGHSHAW said she didn't know about or give the checks to BURKS and didn't know IMANI, GOODMAN, or DEGGINS.

Squad 71, P.O. FUHRMAN and P.O. CHU checked 4019 N. 74th St. for GOODMAN. They spoke with GOODMAN'S mother who stated she didn't know where GOODMAN was living, but stated that he had a drug problem.

Squad 643AE, P.O. SCHEERER and P.O. SCOTT checked 5800 N. 87th St. for IMAMI. They spoke with IMANI'S mother who stated that she didn't know where he was living. She also said he had a drug problem and just got out of jail.

I attempted to contact DEGGINS several times by phone but was unable to reach him.

The copies of the checks and sample of suspect's handwriting were placed on inventory#310853.

REVIEWING D.A.	P.O./DET. ASSIGNED	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY

INCIDENT STATUS	<input type="checkbox"/> CLEARED BY ARREST 18 OR OVER	<input type="checkbox"/> PROPERTY RECOVERED	<input type="checkbox"/> ARREST UNDER 18	DATE
	<input type="checkbox"/> PARTIAL CLEARANCE BY ARREST	<input type="checkbox"/> WARRANT REFUSED	<input type="checkbox"/> A. DETAINED AT M.C.C.C.	
	<input type="checkbox"/> UNFOUNDED/BASELESS	<input type="checkbox"/> RETENTION PERIOD EXPIRED	<input type="checkbox"/> B. ORDER IN TO M.C.C.C.	
	<input type="checkbox"/> VICTIM REFUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)			<input type="checkbox"/> WAIVED AS AN ADULT
<b>7. VICTIM USE ONLY</b>				
CLEARED EXCEPTIONALLY	<input type="checkbox"/> A. DEATH OF OFFENDER	<input type="checkbox"/> C. EXTRADITION DENIED	<input type="checkbox"/> E. JUVENILE NO CUSTC	
	<input type="checkbox"/> B. PROSECUTION DECLINED	<input type="checkbox"/> D. REFUSED TO CO-OPERATE	<input type="checkbox"/> F. NOT APPLICABLE	
JUSTIFIABLE	<input type="checkbox"/> A. SUSP. ATTACKED P.O. AND SAME P.O. KILLED SUSP.		<input type="checkbox"/> E. SUSP. KILLED IN COMMISSION OF	
	<input type="checkbox"/> B. SUSP. ATTACKED P.O. AND OTHER P.O. KILLED SUSP.		<input type="checkbox"/> F. SUSP. RESISTED ARREST	

Exhibit 9



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

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**DISTRICT I**

October 14, 2013

To:

Hon. Jeffrey A. Wagner  
 Circuit Court Judge  
 Milwaukee County Courthouse  
 901 N. 9th St.  
 Milwaukee, WI 53233

John Barrett  
 Clerk of Circuit Court  
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Danielle M. Valoe 309682  
 Robert Ellsworth Corr. Cntr.  
 21425-A Spring Street  
 Union Grove, WI 53182-9408

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

2013AP1294-W	State of Wisconsin ex rel. Danielle M. Valoe v. Deanne Schaub, Warden (L.C. # 2005CF6918)
2013AP1295-W	State of Wisconsin ex rel. Danielle M. Valoe v. Deanne Schaub, Warden (L.C. #2006CF2557)

Before Fine, Kessler and Brennan, JJ.

Danielle M. Valoe petitions *pro se* for writs of *habeas corpus*, alleging ineffective assistance of appellate counsel. See *State v. Knight*, 168 Wis. 2d 509, 522, 484 N.W.2d 540 (1992) (to bring a claim of ineffective assistance of appellate counsel, a defendant must seek a writ of *habeas corpus* from the appellate court that heard the appeal). As a remedy, Valoe seeks reinstatement of her appellate rights in two Milwaukee County criminal cases that were joined for trial and resolved in a single appeal, *State v. Valoe*, No. 2008AP1960-CR, unpublished slip op. (WI App Oct 6, 2009) (*Valoe I*). When a petitioner seeks *habeas corpus* in this court, we

EXHIBIT 9A

Nos. 2013AP1294-W  
2013AP1295-W

follow the procedure for supervisory writs, and consequently, we may deny the petition *ex parte*. See *State ex rel. LeFebvre v. Abrahamson*, 103 Wis. 2d 197, 202, 307 N.W.2d 186 (1981). We deny Valoe's consolidated petition *ex parte*. See WIS. STAT. RULE 809.51(2) (2011-12).<sup>1</sup>

A jury convicted Valoe of one count of conspiracy to commit theft from US Bank by false representation and one count of conspiracy to commit theft from Wells Fargo Bank by false representation. *Valoe I*, No. 20080AP1960-CR, ¶¶1-2. Valoe pursued a direct appeal, in which we considered whether her trial counsel gave her constitutionally ineffective assistance by failing to object at trial to the admission of certain evidence. *Id.*, ¶¶1, 6. We rejected the claim. *Id.*, ¶13. Valoe next pursued relief under WIS. STAT. § 974.06, alleging that her trial counsel and postconviction counsel were ineffective. We rejected those claims in *State v. Valoe*, No. 2011AP1992-1993, unpublished slip op. (WI App Nov. 20, 2012) (*Valoe II*).

Valoe now asserts that her appellate counsel should have raised sufficiency of the evidence for our consideration in *Valoe I*. She alleges that the issue was a "dead bang winner" and that appellate counsel's failure to pursue the issue rendered him ineffective.

In assessing claims of ineffective assistance of appellate counsel, this court applies the two-prong test set forth in *Strickland v. Washington*, 466 U.S. 668, 686 (1984). Under *Strickland*, a criminal defendant must show both that counsel's performance was deficient and that the deficient performance was prejudicial. *Id.* at 687. If a defendant fails to make an adequate showing as to one prong, this court need not address the other. See *id.* at 697.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

Exhibit 9B

Nos. 2013AP1294-W  
2013AP1295-W

Appellate counsel has the duty to determine the issues that have merit for appeal. See *Jones v. Barnes*, 463 U.S. 745, 751-52 (1983). “[O]nly when ignored issues are clearly stronger than those presented, will the presumption of effective assistance of [appellate] counsel be overcome.” *State v. Starks*, 2013 WI 69, ¶57, 349 Wis. 2d 274, 833 N.W.2d 146 (citation and emphasis omitted). We therefore examine the strength of the issue Valoe presents in her *Knight* petition in relation to the strength of the claim we considered during the direct appeal.<sup>2</sup>

*Valoe I* presented the issue of whether Valoe’s trial counsel was ineffective for: (1) failing to object to evidence that the Milwaukee Police Department already had a fingerprint card for Valoe on file when the conspiracy charges arose; and (2) failing to object to testimony describing someone as Valoe’s probation officer. See *id.*, ¶5. The State “essentially concede[d]” that the jury should not have heard the evidence: the circuit court had granted a pretrial motion to exclude evidence of the fingerprint card, and the testimony about the probation officer “implicitly inform[ed] the jury that Valoe had been convicted in the past.” *Id.*, ¶¶4-5, 9. Accordingly, we assumed that trial counsel’s performance was deficient and turned our attention to whether Valoe was prejudiced by that performance. *Id.*, ¶9.

When we assess prejudice, we do so in light of the totality of the evidence presented at trial. See *State v. Jeannie M.P.*, 2005 WI App 183, ¶26, 286 Wis. 2d 721, 703 N.W.2d 694. In

---

<sup>2</sup> We take judicial notice of the proceedings in *State v. Valoe*, No. 2008AP1960-CR, unpublished slip op. (WI App Oct. 6, 2009) (*Valoe I*). “Generally, a court may take judicial notice of its own records and proceedings for all proper purposes. This is particularly true when the records are part of an interrelated or connected case, especially where the issues, subject matter, or parties are the same or largely the same.” *Johnson v. Mielke*, 49 Wis. 2d 60, 75, 181 N.W.2d 503 (1970).

Exhibit 9c

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2013AP1295-W

Valoe's case, we considered that "the State presented the testimony of several persons recruited by Valoe to participate in the fraud. At Valoe's direction, they would open a bank account that Valoe later accessed to defraud the banks.... Several of the witnesses acknowledged that they had been criminally charged for their conduct." *Valoe I*, ¶10. Further, "[t]he jury viewed numerous photographs from surveillance cameras showing Valoe cashing checks drawn on the accounts." *Id.* We also considered the testimony of a witness who gave "a detailed description of the conspiracy to defraud Wells Fargo and Valoe's actions taken in furtherance of the conspiracy." *Id.*, ¶12. We concluded that, notwithstanding the evidentiary errors identified, "our confidence in the outcome [of the trial] is not undermined." *Id.*, ¶13.

Our decision in *Valoe I* reflects that a claim of insufficient evidence to convict Valoe is not "clearly stronger" than the claim addressed on appeal. Indeed, our decision in *Valoe I* entailed a conclusion that the evidence presented at trial was sufficient to warrant confidence in the verdicts and to overcome the suggestion that trial counsel's alleged deficiencies prejudiced her. Valoe's petition indicates that she believes we should again assess the trial evidence, but issues once litigated cannot be relitigated in a subsequent postconviction proceeding, no matter how artfully those issues may be restated. See *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991).

Moreover, Valoe rests her claim of appellate counsel's ineffectiveness on an incorrect theory about the law governing conspiracy. She argues:

[t]he evidence that the State presented to the jury was certainly insufficient to establish that Valoe conspired with others to commit the crime of theft by fraud, because conspiracy is an agreement

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between two or more person[s] to accomplish a criminal objective. But to the contrary, none of the testifying witnesses intentionally defraud[ed] either bank[], they all believed that such actions taken by Valoe were for legitimate legal reasons.”

(Citation omitted, some punctuation changed). Valoe thus claims that the evidence against her was insufficient because the other people who participated in the crimes allegedly lacked intent to defraud and allegedly believed that the actions taken in concert with Valoe were lawful.

To prove conspiracy, however, the State is not required to show that anyone other than the defendant had criminal intent. See *State v. Routon*, 2007 WI App 178, ¶19, 304 Wis. 2d 480, 736 N.W.2d 530. For example, “a person can be convicted of conspiracy even if ... the other party to the conspiracy is an undercover agent who did not intend to commit the crime.” *State v. Peralta*, 2011 WI App 81, ¶18, 334 Wis. 2d 159, 800 N.W.2d 512. Accordingly, Valoe’s allegation that the State failed to prove her co-actors’ criminal intent, even if true, does not undermine the sufficiency of the evidence against Valoe. Her claim of insufficient evidence is meritless.

Upon the foregoing reasons,

IT IS ORDERED that Valoe’s consolidated petition for writs of *habeas corpus* is denied *ex parte*. See WIS. STAT. RULE 809.51(2).

---

*Diane M. Fremgen*  
Clerk of Court of Appeals

US Bank

Account Name	Bank	Account Number	Deposit Amount	Check Deposited Account Name	Bank Check Drawn On	Deposit Location	Date	Time	Photos?	Loss
Anthony Rogers	US Bank	1-823-7194-5755	\$5,000.00	Empty Envelope		US Bank ATM @ 4701 Washington, Racine	6/28/2005	14:36	Y	\$5,117.24
-	-	-	\$5,000.00	"		Good Hope, Milwaukee	6/29/2005	12:31	N	
Tiffany C. Cade	US Bank	1-823-7162-1471	\$1,600.00	Lacy C Cade	M&I	US Bank ATM @ 5220 W North Ave, Milwaukee	7/2/2005	9:35	Y	\$438.45
-	-	-	\$3,300.00	Empty Envelope		US Bank ATM @ 8211 W Brown Deer, Milwaukee	8/9/2005	14:39	N	
Pamela Perdue	US Bank	1-823-7123-7682	\$1,600.00	Lacy C Cade	M&I	US Bank Drive @ 7500 W Good Hope, Milwaukee	7/6/2005	11:19	N	\$1,470.00
-	-	-	\$1,600.00	Lawrence Steven Perry	Bank One	US Bank @ 709 E Capitol Dr, Milwaukee	7/9/2005	13:55	Y	
-	-	-	\$1,400.00	Dominique N Champion	TCF	US Bank @ 709 E Capitol Dr, Milwaukee	7/9/2005	13:55	Y	
Clarence Banks Jr	US Bank	1-823-7195-3817	\$900.00	Tiffany S Perdue	Associated	US Bank Drive @ 7500 W Good Hope, Milwaukee	7/6/2005	11:22	N	\$4,421.90
-	-	-	\$3,300.00	Ontaria C Jones	Wells Fargo	US Bank ATM @ 8000 Excels, Madison	8/25/2005	15:05	N	
-	-	-	\$1,800.00	Ontaria C Jones	Wells Fargo	US Bank ATM @ 2222 W Capitol Dr, Milwaukee	8/29/2005	9:13	N	
Larry Robinson	US Bank	1-823-7196-2008	\$5,000.00	Lawrence Steven Perry	Bank One	US Bank ATM @ 3211 W Brown Deer, Milwaukee	7/11/2005	14:32	N	\$4,969.80
-	-	-	\$1,600.00	Dominique N Champion	TCF	US Bank ATM @ 5988 N Port Washing, Glendale	7/14/2005	15:20	N	
Linda L Jackson	US Bank	1-823-7196-2131	\$5,000.00	Lawrence Steven Perry	TCF	US Bank ATM @ 8211 W Brown Deer, Milwaukee	7/14/2005	13:09	N	\$100.00
Annie D Thames	US Bank	1-823-7125-6526	\$3,998.63	Ontaria C Jones	US Bank	US Bank ATM @ 2222 W Capitol Dr, Milwaukee	7/27/2005	21:48	N	\$0.00
Eseau Trotter	US Bank	1-823-7125-6642	\$4,978.00	Lawrence Steven Perry	Bank One	US Bank ATM @ 7500 W Good Hope, Milwaukee	7/29/2005	19:21	N	\$0.00
Raina K Lewis	US Bank	1-823-7195-8063	\$4,300.00	Orlando Champion	Bank Mutual	US Bank ATM @ 2165 W Washington, West Bend	8/2/2005	13:39	Y	\$308.62
-	-	2-823-9803-3665	\$300.00	Orlando Champion	Bank Mutual	US Bank ATM @ 2165 W Washington, West Bend	8/2/2005	13:42	Y	
Ontaria C Jones	US Bank	1-823-5630-2733	\$3,300.00	Orlando Champion	Bank Mutual	US Bank ATM @ 4701 Washington, Racine	8/4/2005	15:20	Y	\$1,888.00
-	-	-	\$2,000.00	Anthony Harrold	US Bank	US Bank Drive @ 5526 W Capitol Dr, Milwaukee	11/9/2005	13:29	N	
Stanley W Moore	US Bank	1-823-7194-8171	\$3,500.00	Valerie Thames	US Bank	US Bank ATM @ 5526 W Capitol Dr, Milwaukee	8/10/2005	15:20	Y	\$1,673.78
Tiana M Lee	US Bank	1-823-7196-8401	\$1,200.00	Lawrence Steven Perry	Bank One	US Bank ATM @ 5526 W Capitol Dr, Milwaukee	8/18/2005	15:27	Y	\$1,076.53
-	-	-	\$1,300.00	Danielle M Valbe	Guaranty	US Bank ATM @ 5220 W North Ave, Milwaukee	8/21/2005	14:17	Y	
Walter R Hamilton	US Bank	1-823-7192-3711	\$100.00	Clarence Banks	Tri City	US Bank ATM @ 709 E Capitol, Milwaukee	9/3/2005	14:07	Y	\$112.89
-	-	-	\$160.00	Clarence Banks	Wells Fargo	US Bank ATM @ 4602 East Towne, Madison	9/5/2005	9:07	N	

**DEFENDANT'S EXHIBIT**  
#13

S Bank

Account Name	Bank	Account Number	Deposit Amount	Check Deposited Account Name	Bank Check Drawn On	Deposit Location	Date	Time	Photos?	Loss
"	"	"	\$2,200.00	Anthony Harrold	Bank Mutual	US Bank Drive @ 5220 W North Ave, Milwaukee	9/19/2005	10:55	Y	
"	"	"	\$800.00	Ivory Newell	TCF	US Bank Drive @ 5220 W North Ave, Milwaukee	9/19/2005	10:55	Y	
Tiffany S Perdue	US Bank	1-823-7195-4385	\$900.00	Clarence Banks	Tri City	US Bank ATM @ 4701 Washington, Racine	9/7/2005	17:48	Y	\$2,321.35
"	US Bank	2-823-9888-9703	\$900.00	Ivory Newell	TCF	US Bank ATM @ 4701 Washington, Racine	9/7/2005	17:56	Y	
"	"	"	\$600.00	Empty Envelope		US Bank ATM @ 7500 W Good Hope, Milwaukee	9/14/2005	16:34	N	
"	"	"	\$500.00	Empty Envelope		US Bank ATM @ 7500 W Good Hope, Milwaukee	9/14/2005	16:36	N	
"	US Bank	1-823-7195-4385	\$700.00	Empty Envelope		US Bank ATM @ 5220 W North Ave, Milwaukee	9/15/2005	6:43	Y	
Victor L Parks	US Bank	1-823-7193-7570	\$3,000.00	Anthony Harrold	Bank Mutual	US Bank ATM @ 4701 Washington, Racine	9/29/2005	16:17	Y	\$559.27
"	"	"	\$3,000.00	Clarence Banks	Wells Fargo	US Bank ATM @ 4701 Washington, Racine	9/29/2005	16:17	Y	
Inetta Digby	US Bank	1-823-7208-7466	\$100.00	Anthony Harrold	Wells Fargo	US Bank ATM @ 5526 W Capitol Dr, Milwaukee	10/1/2005	9:51	Y	\$250.00
"	"	"	\$300.00	John M Levy	Guardian CU	US Bank ATM @ 5526 W Capitol Dr, Milwaukee	10/3/2005	8:44	Y	
"	"	"	\$200.00	Kelly Michelle Davis	Associated	US Bank ATM @ 5526 W Capitol Dr, Milwaukee	10/3/2005	8:44	Y	
"	"	"	\$5,000.00	Lakesha D Burks	Legacy	US Bank @ 709 E Capitol, Milwaukee	10/27/2005	18:10	Y	
Anthony Harrold	US Bank	1-823-7219-2928	\$100.00	Kelly Michelle Davis	Associated	US Bank ATM @ 4602 East Towne, Madison	10/2/2005	22:04	N	\$147.64
"	"	"	\$3,800.00	Raziq T Imara	Guaranty	US Bank @ 709 E Capitol, Milwaukee	11/7/2005	18:11	Y	
"	"	"	\$2,200.00	Joe Deggins	Johnson Bank	US Bank @ 709 E Capitol, Milwaukee	11/7/2005	18:11	Y	
Valerie R Thames	US Bank	2-823-9819-4443	\$750.00	Daria B Cooper	North Shore	US Bank @ 5220 W North Ave, Milwaukee	10/6/2005	15:03	Y	\$1,599.97
"	"	"	\$850.00	Daria B Cooper	North Shore	US Bank @ 5220 W North Ave, Milwaukee	10/11/2005	15:26	Y	
Emma J Harris	US Bank	1-823-7177-3546	\$800.00	Valerie Thames	TCF	US Bank Drive @ 3720 W Villard, Milwaukee	10/21/2005	11:25	N	\$800.00
"	"	"	\$800.00	"	"	US Bank Drive @ 5220 W North Ave, Milwaukee	10/24/2005	14:25	N	
Lalasha L Robinson	US Bank	1-823-7214-0471	\$800.00	Anthony Harrold	US Bank	US Bank @ 777 E Wisconsin Ave, Milw.	11/9/2005	8:31	N	\$1,809.97

Total Loss \$29,065.41

Total RD's \$90,536.63



Miss Valoe's reinvolvement in criminal behavior serves as a more definitive description of the offender's adjustment on supervision.

PENDING CHARGES (Include the offense, location, the County Circuit Court Branch (if charged), date of next appearance, and court case number (if known))

PLOTKIN ANALYSIS (ABA Standards) (Check at least one standard and explain; refer to Manual chapter 10.01.05)

- Confinement is necessary to protect the public from further criminal activity
- Offender is in need of correctional treatment which can most effectively be provided if he/she is confined
- It would unduly depreciate the seriousness of the violation if the offender's community supervision were not revoked.

Rationale for Item Checked:

- 1.) Confinement is necessary to protect the public from further criminal activity which is exhibited by Miss Valoe's recent arrest for Conspiracy to Commit Theft by Fraud (Value >\$10,000).
- 2.) Offender is in need of correctional treatment which can most effectively be provided if she is confined since she admits she used marijuana in July and August of 2005.
- 3.) It would unduly depreciate the the seriousness of the violation if the offender's community supervision were not revoked because of the continuous and serious nature of the alleged violations in the community.

ALTERNATIVES CONSIDERED (Narrative shall address the specific alternatives considered or previously attempted including: Alternative to revocation, formal or informal counseling/warnings with amended rules, electronic monitoring, treatment programs, court modification with jail and other alternatives)

- 1.) Re-instatement with amended rules was deemed inappropriate due to the continuous nature of the alleged violations.
- 2.) Placement into a drug/and or alcohol rehabilitation center was deemed inappropriate due to the serious nature of the alleged violations.
- 3.) Confinement in a more structured setting such as a halfway house or pre-release center was deemed inappropriate due to the continuous and serious nature of the alleged violations.
- 4.) Placement in the Challenge Incarceration program was deemed inappropriate due to the continuous and serious nature of the alleged violations.
- 5.) Revocation was deemed the most appropriate alternative.

CONFINEMENT CREDIT (Include Intensive Sanctions confinement credit)

12/7/05 to

Date placed in custody on this revocation:

present

OTHER HOLD ORDERS ISSUED DURING CURRENT SUPERVISION:  NONE

Court Case #	Date Confined	Date Released	Date Confined	Date Released
02CF03966	8/27/05	8/30/05	10/3/05	10/17/05

OTHER CREDIT (ATR to Institution/Center system, out-of-state, etc.):  NONE

Court Case #	Date Confined	Date Released	Date Confined	Date Released

PROBATION CASES ONLY

COURT-IMPOSED CONFINEMENT IN COUNTY JAIL AS A CONDITION OF PROBATION:  NONE

Court Case #	Date Confined	Date Released	Date Confined	Date Released
02CF03966	11/1/02	1/8/03		

SENTENCE CREDIT SHOWN ON COURT ORDER: (List Each Case Separately)  NONE

Case 02CF03966 Total Days 2 Case \_\_\_\_\_ Total Days \_\_\_\_\_ Case \_\_\_\_\_ Total Days \_\_\_\_\_

RECOMMENDATION FOR SENTENCING (Include Restitution and Court Costs Still Owed)

It is recommended that the sentence in Court Case #02CF03966 be imposed. It is recommended that conditions of her sentence be addressed while she is in institution.

PAROLE CASES ONLY

Reincarceration Recommendation for New Law/Good Time Forfeiture for Old Law

DEFENDANT'S EXHIBIT

#14

**Bailey Law Office, L.L.C.**

Attorney Chris Bailey

4227 W Forest Home Ave  
Milwaukee, WI 53215(414)604-8220 office  
(414)604-8221 fax

December 10, 2007

Danielle Valoe  
DOC# 00309682  
Taycheedah Correctional Institution  
P.O. Box 1947  
Fond du Lac, WI 54936-1947Re: State of Wisconsin vs. Danielle Valoe  
Case No. 2005CF6918, 2006CF2557

Dear Miss Valoe,

Please find enclosed the transcripts on this case that I have received thus far as well as the contents of the court file. On appeal, unless they were marked and accepted in evidence as exhibits, police reports are not part of the materials to be reviewed. As such, the materials involved in this appeal will be the transcripts and court records. Outside materials cannot be used in an appeal because they are not part of the record.

My appointment encompasses representing you. Another way to put this is that I am your attorney and not anyone else's attorney. When I am placed on a case by the State Public Defendant, they want me to do legal work. They generally do not want me to be a clearinghouse of information to other persons regarding the work that I do.

Please review the enclosed materials and let me know what issues you wish to be gone over more thoroughly than others. I will be going over them as well.

One of the issues you mentioned, ineffective assistance of counsel, is one of the more difficult issues on appeal. Not only does the performance have to be deficient, but there also has to be a showing that it effected the outcome of the case. If the Court of Appeals arrives at the opinion that the evidence at trial was overwhelming, there will be an uphill battle in this matter.

I look forward to your reply.

Sincerely,

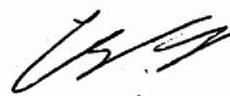
  
Chris Bailey

Exhibit 15

**Bailey Law Office, L.L.C.**

Attorney Chris Bailey

4227 W Forest Home Ave  
Milwaukee, WI 53215(414)604-8220 office  
(414)604-8221 fax

January 20, 2008

Danielle Valoe  
DOC# 00309682  
Taycheedah Correctional Institution  
P.O. Box 1947  
Fond du Lac, WI 54936-1947Re: State of Wisconsin vs. Danielle Valoe  
Case No. 2005CF6918, 2006CF2557

Dear Miss Valoe,

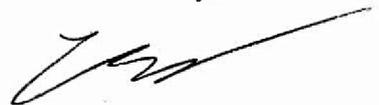
Looking at the docket sheet on this case, I will assume that the first trial as well as the motion to withdraw your plea will not be part of the appeal. As such, it appears that this appeal will revolve around the second jury trial.

Something that is problematic with appeals from jury trials is that the primary thing to look at is whether evidence should have come in or not. In effective assistance of counsel is something to look at, but the standard of review for both of the aforementioned issues generally has the appellate courts leaning towards affirming the trial court.

As I pointed out in my last correspondence, the police reports are only admissible if they were accepted into evidence.

We will be in touch.

Sincerely,



Chris Bailey

Exhibit 16

## Investigations Case Summary

Case ID 2005011102

11-Nov-05

PARKS, V-New Account - ATM RDI

On 8/04/05, a person identifying himself as Victor L Parks opened checking account #1-823-7193-7570 at the US Bank located at 5526 W Capitol Dr in Milwaukee. He presented WI ID P620-8728-3132-04 as identification and was issued Check Card #4432-6428-3897-6313 on 08/19/05.

On 09/29/05, Mr. Parks' account was overdrawn (\$189.66) when the following transactions were made to/from his account:

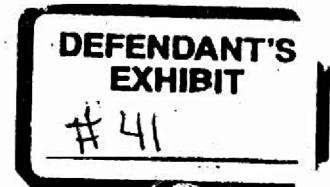
Date	Time	Dep. Amt.	W/D Amt.	ATM/Bank/POS Location
9/29/05	16:17	\$6,000.00 (a)		ATM @ US Bank 4701 Washington Av Racine
9/30/05			\$59.27	POS @ Amoco Oil, Milwaukee
9/30/05	07:40		\$500.00	ATM @ US Bank 5220 W North Ave, Milw

(a) \$3,000.00 check #1099 drawn on the Bank Mutual account of Anthony D. Harrold and a \$3,000.00 check # 1101 drawn on the Wells Fargo account of Clarence Banks Jr. ( both subsequently returned). According to Investigator Doug Slock at Bank Mutual (414-362-6126), Anthony Harrold's account was closed on 9/30/05 due to return deposit items and according to Barb Pechenka at Wells Fargo Bank (612-667-9086), they will be taking a loss of over \$6,000.00 due to the activity in Mr. Banks' account.

A hold was placed on Mr. Parks account on 9/30/05 due to the nature/amount of the item deposited.

On 10/05/05, Mr. Parks came to the US Bank located at 5526 W Capitol Drive and denied making the \$6,000.00 deposit. He claimed he lost his debit card on 9/04/05.

US Bank sustained a loss of \$559.27 due to the activity in Mr. Parks account.



## Investigations Case Summary

Case ID 2005011918

11-Nov-05

ROBINSON,L-New Account - RDI

On 10/24/05, a person identifying herself as Latasha L Robinson opened checking account #1-823-7214-0471 at the US Bank located at 4200 W Brown Deer Rd. She presented WI ID R152-5327-9503-05 as identification and was issued Check Card #4190-0239-2048-9642.

On 11/09/05, the balance in Ms. Robinson's account was \$384.87 when the following transactions were made to/from her account:

Date	Time	Dep. Amt.	W/D Amt.	ATM/Bank/POS Location
11/09/05	08:31	\$800.00 (a)		US Bank @ 777 E Wisconsin Ave
11/09/05	09:21		\$500.00	ATM @ Us Bank 5220 W North Ave

(a) Check #1509 drawn on the US Bank Account of Anthony D Harrold subsequently returned NSF.

A hold was placed on Ms. Robinson's account on 11/10/05.

On 11/11/05, Ms. Robinson called 24-Hour Banking and inquired as to why she could not access her account. I was put on the line and spoke with her. Ms. Robinson stated that Anthony Harrold gave her this check for money he owed her. I informed her that I believed she opened this account for the purpose of defrauding the bank and that someone told her how to do it. I told her she can speak with the police about it and she currently owes us just over \$100.00. Ms. Robinson said that was fine and ended the call.

US Bank sustained a loss of \$115.13 due to the activity in Ms. Robinson's account.

**DEFENDANT'S  
EXHIBIT**

# 46



US Bank ATM @ 4701 Washington Ave 06/28/05  
 Rogers, Anthony L. (Name on Account)  
 \$5,000.00 Empty Envelope Deposit

Exhibit 50-50A



US Bank ATM @ 4701 Washington Ave 06/28/05  
 Rogers, Anthony L. (Name on Account)  
 \$5,000.00 Empty Envelope Deposit