

FILED
04-02-2021
CLERK OF WISCONSIN
SUPREME COURT

STATE OF WISCONSIN
SUPREME COURT

Appeal No. 2020AP000785 CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

vs.

KEYON D. GRANT,

Defendant-Appellant-Petitioner

APPEAL FROM THE JUDGMENT OF CONVICTION AND SENTENCE, AND ORDER DENYING POSTCONVICTION RELIEF, ENTERED IN THE MILWAUKEE COUNTY CIRCUIT COURT THE HONORABLE T. CHRISTOPHER DEE PRESIDING.

NO MERIT PETITION FOR REVIEW

ZALESKI LAW FIRM

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Statement of the case

The State charged Grant with attempted first-degree intentional homicide. ¶¶ According to the criminal complaint, Grant used a shotgun to shoot D.P. in the head after Grant, D.P. and two other individuals drove in Grant's car to McGovern Park in the City of Milwaukee. ¶¶

At trial, the State amended the information to include a charge of possession of a short-barreled shotgun or rifle. 2¶¶ Before submitting the case to the jury, the court additionally instructed the jury as to first-degree recklessly endangering safety and second-degree recklessly endangering safety. ¶29:45:48.

At trial, the jury found Grant guilty of first-degree recklessly endangering safety, and possession of a short-barreled shotgun. ¶30:3.

At sentencing, the circuit court imposed 84 months initial confinement and ¶0 months extended supervision on the first-

degree recklessly endangering safety charge, and 30 months initial confinement and 30 months extended supervision on the possession of a short-barreled shotgun charge. ¶33:¶9. The circuit court ordered that the sentences run consecutively. ¶33:20.

Grant timely filed a notice of intent to pursue postconviction relief, ¶9:¶, pursuant to which the State Public Defender appointed the undersigned counsel to represent Grant on postconviction matters. By and through counsel, Grant filed a motion for new trial which raised the same issue before this court ¶98:¶7. After conducting an evidentiary hearing, ¶34:¶50, the circuit court entered a written decision denying Grant's motion for new trial. Ap.¶¶¶-¶¶4. Grant filed a notice of appeal, ¶¶0:¶, and the court of appeals affirmed. Ap.¶00-¶¶0. These proceedings follow.

Dated this _____ day of April 2021.

Respectfully submitted,

BY: _____/s/_____

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CERTIFICATION

I hereby certify that this petition meets the form and length requirements of Wis. Stat. Rule 809.19(8)(b) and (c) in that is: proportional serif font, minimum printing resolution of 200 dots per inch, 13 point body text, 11 points for quotes and footnotes, leading of minimum 2 points and maximum of 60 characters per line. The text is 13 point type and the length of the brief is 363 words.

Dated this ___ day of April 2021.

THE ZALESKI LAW FIRM

BY: _____/s/_____
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CERTIFICATION

I hereby certify that attached to this Petition for Review is an appendix which contains:

1. The decision and opinion of the court of appeals.
2. The judgments, orders, findings of fact, conclusions of law and memorandum decisions of the circuit court and administrative agencies necessary for an understanding of the petition.
3. Any other portions of the record necessary for an understanding of the petition.
4. A copy of any unpublished opinion cited under s. 809.23 (3) (a) or (b).

Dated this ____ day of April 2021.

THE ZALESKI LAW FIRM

BY: _____/s/_____

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**CERTIFICATION OF COMPLIANCE WITH RULE
809.19(12)**

I hereby certify that:

I have submitted an electronic copy of this petition, excluding the appendix, if any, which complies with the requirements of s. 809.19(12). I further certify that:

This electronic petition is identical in content and format to the printed form of the petition filed as of this date.

A copy of this certificate has been served upon all opposing parties.

Dated this ____ day of April 2021.

THE ZALESKI LAW FIRM

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