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110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
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**DISTRICT I**

October 24, 2023

To:

Hon. Michelle Ackerman Havas  
Circuit Court Judge  
Electronic Notice

Christopher P. August  
Electronic Notice

Hon. Glenn H. Yamahiro  
Circuit Court Judge  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

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

Jeremiah M. Brown 700173  
Prairie Du Chien Correctional Institution  
500 E. Parrish Street  
Prairie Du Chien, WI 53821-2730

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

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2021AP2084-CRNM      State of Wisconsin v. Jeremiah M. Brown (L.C. # 2020CF2841)

Before Donald, P.J., Dugan and Geenen, 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).**

Jeremiah M. Brown appeals from his judgment of conviction entered after he pled guilty to third-degree sexual assault. His appellate counsel, Attorney Sarah Barwise Joseph, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2021-22).<sup>1</sup> Brown was advised of his right to file a response, but he did not do so. Upon this

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

(continued)

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.

Brown was charged with incest in August 2020 after his half-sister, who was fifteen years old at the time, reported that Brown had sexually assaulted her. In his statement to police, Brown confessed to the assault.

Brown entered into a plea agreement with the State in which the charge was amended to third-degree sexual assault in return for his guilty plea. The circuit court accepted the plea, and Brown was sentenced to a nine year term of imprisonment, bifurcated as four years of initial confinement to be followed by five years of extended supervision.<sup>2</sup> This no-merit appeal follows.

In the no-merit report, appellate counsel addresses two issues: whether there would be arguable merit to appealing the validity of Brown's plea; and whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion in sentencing Brown. We agree with appellate counsel's analysis that there would be no arguable merit to an appeal of either of these issues.

With regard to Brown's plea, the plea colloquy by the circuit court complied with the requirements set forth in WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293

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The no-merit report was filed by Attorney Sarah Barwise Joseph, who has been replaced by Attorney Christopher P. August as Brown's appellate counsel.

<sup>2</sup> Appellate counsel filed a motion with the circuit court on Brown's behalf to amend his sentence credit from forty-six days to forty-nine days. The circuit court granted the motion.

Wis. 2d 594, 716 N.W.2d 906. Additionally, the court confirmed that Brown signed and understood the plea questionnaire and waiver of rights form, further demonstrating that Brown's plea was knowingly, voluntarily, and intelligently entered. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827, 416 N.W.2d 627 (Ct. App. 1987).

With regard to sentencing, the record reflects that the circuit court considered relevant sentencing objectives and factors. *See State v. Gallion*, 2004 WI 42, ¶17, 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. In particular, the court noted a prior offense of repeated sexual assault of a different half-sister, who was four years old at the time. The court observed that Brown was therefore a repeat offender with this current offense, which occurred after he had received two years of treatment.

Furthermore, the sentence imposed by the circuit court is within the statutory maximum, and therefore there would be no arguable merit to a claim that the sentence is unduly harsh or unconscionable. *See State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449.

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 Brown 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 Christopher P. August is relieved of further representation of Brown in this matter. *See WIS. STAT. RULE 809.32(3).*

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*