



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

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
Web Site: www.wicourts.gov

DISTRICT I

November 14, 2023

To:

Hon. David A. Feiss
Circuit Court Judge
Electronic Notice

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

Winn S. Collins
Electronic Notice

Jeffrey W. Jensen
Electronic Notice

Jaheim Robert Scott 708599
Racine Youthful Offender Corr. Facility
P.O. Box 2500
Racine, WI 53404-2500

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

2022AP2218-CRNM State of Wisconsin v. Jaheim Robert Scott (L.C. # 2021CF4573)

Before White, C.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).

Jaheim Robert Scott appeals his judgment of conviction for conspiracy to commit armed robbery and first-degree recklessly endangering safety with the use of a dangerous weapon. His appellate counsel, Jeffrey W. Jensen, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2021-22).¹ Scott 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

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

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 Scott were filed in November 2021 after he and three co-defendants attempted to commit an armed robbery during a drug deal in a Burger King parking lot on North Martin Luther King Drive in Milwaukee. The victim attempted to flee and was shot in the leg.

A detective from the Milwaukee Police Department reviewed surveillance video from the Burger King parking lot and was able to obtain the license plate of the vehicle used in the robbery. The vehicle was found a few days later and its owner was arrested. The vehicle owner implicated three others in the robbery, including Scott. Scott admitted to planning the robbery with the others and to shooting the victim.

Scott chose to resolve the criminal charges against him with a plea. In exchange for pleading guilty to both charges, the parties agreed to recommend a sentence of six to eight years of initial confinement, with the State remaining silent as to prison program eligibility. The trial court accepted Scott's pleas and sentenced him to a total of six years of initial confinement to be followed by six years of extended supervision, with eligibility for prison programs after four years. The court also ordered restitution, joint and several with Scott's co-defendants, in the amount of \$4,677.95 for damage to the victim's car, lost wages, and medical expenses. 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 Scott's pleas and whether there would be arguable merit to a claim that the trial court erroneously exercised its discretion in sentencing Scott. We

agree with appellate counsel's analysis that there would be no arguable merit to an appeal of either of these issues.

As to the first issue, Scott's guilty pleas, the trial court's plea colloquy complied with the requirements set forth in WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. The court also confirmed that Scott reviewed and understood the plea questionnaire and waiver of rights form. The record therefore demonstrates that Scott's pleas were 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 the second issue, sentencing, the sentencing factors and the standards for the circuit court and this court are well established. See *State v. Gallion*, 2004 WI 42, ¶¶17-51, 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. The record reflects that the trial court considered relevant sentencing objectives and factors in light of the facts of Scott's particular case, specifically addressing the gravity of the offense, Scott's rehabilitative needs and his character, the need for protection of the public, and other permissible factors, and explained how those considerations related to the sentence imposed.

Furthermore, the sentences imposed by the trial court are within the statutory maximums and therefore there would be no arguable merit to a claim that the sentences are unduly harsh or unconscionable. See *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449. Thus, there would be no arguable merit to a challenge to the court's sentencing discretion.

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 Scott 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 Jeffrey W. Jensen is relieved of further representation of Jaheim Robert Scott 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