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**DISTRICT III**

November 13, 2013

To:

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

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2013AP1405-CRNM      State of Wisconsin v. Abel D. M. Jump (L.C. # 2012CF153)

Before Hoover, P.J., Mangerson and Stark, JJ.

Counsel for Abel Jump has filed a no-merit report concluding there is no arguable basis for Jump to withdraw his no contest plea or challenge the sentence imposed for threatening a judge. Jump was advised of his right to respond to the report and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable basis for appeal.

The charge arose from a monitored telephone call Jump made from the county jail in which Jump said he would “go after” the judge if Jump’s bail was increased. Jump entered a no

contest plea as part of a “global” plea agreement. The court imposed a sentence of three years’ initial confinement and three years’ extended supervision, stayed the sentence and placed Jump on probation for three years.

The record discloses no manifest injustice upon which Jump could withdraw his no contest plea. See *State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The court’s colloquy, supplemented by a plea questionnaire and waiver of rights form, informed Jump of the elements of the offense, the potential penalties, and the constitutional rights he waived by pleading no contest. The court went through the jury instruction for the offense and Jump confirmed that he intentionally threatened to cause bodily harm to a person he knew was a judge either acting in his or her official capacity, or in reaction to an action taken in that official capacity, and without the judge’s consent. That admission constitutes all of the elements of the offense. See WIS JI—CRIMINAL 1240-B (2008). The court informed Jump of the maximum sentences it could impose and, as required by *State v. Hampton*, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, informed Jump that the court was not bound by the attorneys’ sentence recommendations. The record shows Jump’s plea was knowingly, voluntarily and intelligently entered. See *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). Entry of a valid no contest plea constitutes a waiver of all nonjurisdictional defects and defenses. *Id.* at 293.

The record also discloses no arguable basis for challenging the sentence. The court appropriately considered the seriousness of the offense, Jump’s character and the need to protect the public. See *State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The court found Jump lied, was evasive, and minimized his culpability during the presentence investigation. The court considered no improper factors and the imposed and stayed sentence is not arguably so

excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Our independent review of the record discloses no issue of arguable merit. Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21 (2011-12).

IT IS FURTHER ORDERED that attorney Leonard Kachinsky is relieved of his obligation to further represent Jump in this matter. WIS. STAT. RULE 809.32(3) (2011-12).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*