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**DISTRICT I/IV**

December 8, 2015

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

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2015AP934-CR                      State of Wisconsin v. Christopher S. Jackson (L.C. # 2011CF2495)

Before Lundsten, Higginbotham, and Blanchard, JJ.

Christopher S. Jackson appeals a judgment of conviction and postconviction order denying his motion for resentencing. Jackson argues that the trial court erred by imposing sentence without the preparation of a new presentence investigation report. He also challenges the trial court's exercise of sentencing discretion. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2013-14).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

Jackson was charged with attempted first-degree intentional homicide, by use of a dangerous weapon; first-degree sexual assault, by use of a dangerous weapon; possession of a firearm by a felon; and false imprisonment, all as a repeater and with a domestic abuse allegation. Jackson's victim was T.S. After T.S. and several other State's witnesses testified at a jury trial, Jackson reached a plea agreement with the State. Jackson pled guilty to the attempted first-degree intentional homicide charge. The possession of a firearm by a felon and false imprisonment charges were dismissed and read in at sentencing and the sexual assault charge was dismissed outright.

The trial court ordered the preparation of a presentence investigation report. The Department of Corrections agent charged with preparation of a PSI instead submitted a "Sentencing Memorandum" advising the court that a PSI was not prepared because Jackson "chose not to complete the interview." The Sentencing Memorandum included a description of the underlying offense, an updated criminal record for Jackson, a revocation summary prepared after Jackson committed this offense, and a copy of a PSI prepared in 2007 in connection with a separate criminal case against Jackson. The Sentencing Memorandum did not include a sentencing recommendation.

At the start of the sentencing hearing, the trial court noted that a new PSI had not been prepared and that the 2007 PSI was before the court. Jackson's attorney told the court that he had reviewed that report and the Sentencing Memorandum with Jackson. Jackson offered no corrections to either the PSI or the Sentencing Memorandum except to clarify that his comments of mistreatment were directed to the prison system and not the courts.

On appeal, Jackson takes issue with several omissions from the PSI and Sentencing Memorandum, namely, current information about him, a statement from T.S. and her sentencing recommendation, the agent's sentencing recommendation, and a tentative corrections plan. However, because Jackson did not raise any of those points at sentencing, he has forfeited those objections. *See State v. Ndina*, 2009 WI 21, ¶30, 315 Wis. 2d 653, 761 N.W.2d 612 (“mere failure to object constitutes a forfeiture of the right on appellate review”). This case aptly illustrates the purpose of the forfeiture rule—“to enable the circuit court to avoid or correct any error with minimal disruption of the judicial process, eliminating the need for appeal.” *Id.*

Even if Jackson had not forfeited his objections, we would reject his argument. The preparation of a PSI is not a prerequisite to the imposition of sentence. *See* WIS. STAT. § 972.15(1) (“After a conviction the court *may* order a presentence investigation”) (emphasis added). If a PSI is not required, we fail to see how the imposition of a sentence without the preparation of a new PSI can be error. Moreover, Jackson has not pointed to any inaccuracies in the 2007 PSI or the Sentencing Memorandum that might have impacted the sentence.

Jackson contends that the trial court erroneously exercised sentencing discretion when it sentenced Jackson to twenty-five years of initial confinement followed by fifteen years of extended supervision. The record defeats Jackson's contention.

“Circuit courts are required to specify the objectives of the sentence on the record. These objectives include, but are not limited to, the protection of the community, punishment of the defendant, rehabilitation of the defendant, and deterrence to others.” *State v. Gallion*, 2004 WI 42, ¶40, 270 Wis. 2d 535, 678 N.W.2d 197. Also, under truth-in-sentencing, the legislature has mandated that the court shall consider the protection of the public, the gravity of the offense, the

rehabilitative needs of the defendant, and other aggravating or mitigating factors. *Id.*, ¶40 n.10. “[S]entencing decisions of the circuit court are generally afforded a strong presumption of reasonability because the circuit court is best suited to consider the relevant factors and demeanor of the convicted defendant.” *Id.*, ¶18 (quoting *State v. Borrell*, 167 Wis. 2d 749, 781, 482 N.W.2d 883 (1992), *overruled on other grounds by State v. Greve*, 2004 WI 69, 272 Wis. 2d 444, 681 N.W.2d 479). The “sentence imposed in each case should call for the minimum amount of custody or confinement which is consistent with the protection of the public, the gravity of the offense and the rehabilitative needs of the defendant.” *Id.*, ¶23 (quoting *McCleary v. State*, 49 Wis. 2d 263, 276, 182 N.W.2d 512 (1971)).

The trial court properly exercised sentencing discretion. The court considered the “extremely serious” and “aggravated” nature of the offense, recounting the circumstances of the multi-day ordeal that Jackson inflicted on T.S. The court considered the impact of the crime on T.S., who was “forever changed,” physically and emotionally, by Jackson’s actions. The court considered Jackson’s character, noting that Jackson’s “lack of empathy [and] regard” for others was an “extremely dangerous” aspect of Jackson’s character. The court considered Jackson’s history of violence, self-medication, lack of self-control, illegal drug use, and lack of regard for rules. The court noted that supervision in the community was not an option given Jackson’s history of revocations when on supervision. The court stated that a “big part” of its sentence was to protect the community from Jackson’s “out of control” behavior. Because the court considered the appropriate factors under the circumstances of this case, it properly exercised sentencing discretion.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of conviction and postconviction order are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

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