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**DISTRICT II**

August 16, 2017

To:

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Circuit Court Judge  
Fond du Lac County Courthouse  
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Shamon A. Slater, #565764  
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P.O. Box 900  
Portage, WI 53901-0900

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

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2017AP515-CRNM      State of Wisconsin v. Shamon A. Slater (L.C. #2014CF377)

Before Reilly, P.J., Gundrum and Hagedorn, 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).**

Shamon A. Slater appeals from a judgment of conviction for burglary to a dwelling. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16),<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Slater received a copy of the report, was advised

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude that the judgment may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

On May 29, 2014, Slater entered a dwelling through a window screen, took car keys, and then took the victim's car and drove it to Milwaukee. Slater was charged with burglary and operating a motor vehicle without the owner's consent. He entered a guilty plea to the burglary charge and the operating without consent charge was dismissed as a read-in at sentencing. The prosecution agreed to cap its sentencing recommendation at two years' initial confinement and two and one-half years' extended supervision to be served consecutively to any other sentence Slater was then serving.<sup>2</sup> The prosecutor complied with the agreement at sentencing. Slater was sentenced to three years' initial confinement and two years' extended supervision to be served consecutive to any other sentence.

The no-merit report addresses the potential issues of whether Slater's plea was freely, voluntarily and knowingly entered. It also addresses why the discrepancy between the plea questionnaire and the recitation of the agreed upon sentencing cap does not give rise to an arguable basis for seeking plea withdrawal. Finally, the report addresses whether the sentence was the result of an erroneous exercise of discretion, unduly harsh or excessive. This court is

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<sup>2</sup> The plea questionnaire described the agreed upon sentencing cap as two and one-half years' initial confinement and three years' extended supervision. The actual agreed upon cap—two years' initial confinement and two and one-half years' extended supervision—was stated twice at the plea hearing and repeated at the commencement of the sentencing hearing.

satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

Our review of the record discloses no other potential issues for appeal.<sup>3</sup> Accordingly, this court accepts the no-merit report, affirms the conviction and discharges appellate counsel of the obligation to represent Slater further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Hannah Schieber Jurss is relieved from further representing Shamon A. Slater in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

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

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<sup>3</sup> Any other possible appellate issues from the proceedings before entry of the plea are waived because Slater's guilty plea waived the right to raise nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.