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DISTRICT III

September 5, 2018

To:

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

2017AP522-CRNM State of Wisconsin v. Bronshay M. Jamerson
(L. C. No. 2015CF829)

Before Stark, P.J., Hruz and Seidl, 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).

Counsel for Bronshay Jamerson has filed a no-merit report concluding there is no basis to challenge Jamerson's conviction for second-degree sexual assault of a child, in violation of WIS.

STAT. § 948.02(2) (2015-16).¹ Jamerson was advised of his right to respond and has failed to respond. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal and summarily affirm. *See* WIS. STAT. RULE 809.21.

This case stems from allegations that Jamerson touched a twelve-year-old girl’s buttocks with his genitals. The victim was the daughter of his brother’s girlfriend. Jamerson had been staying at the victim’s residence as a guest of her family. The victim was in her bed for the night and covered with a blanket when she awoke to Jamerson in a “pushup position” on top of her, “rubbing his private part on her butt.” Jamerson was charged with first-degree sexual assault – sexual contact with a child under the age of thirteen.

A tentative plea agreement was reached, but Jamerson later changed his mind and decided he wanted to go to trial. The parties thereafter filed various motions regarding the use of statements made by Jamerson; the victim’s videotaped statement; and expert testimony by the forensic interviewer. Motions in limine were also filed regarding various issues, including evidence of other acts by Jamerson.

The circuit court addressed the pending motions at a pretrial hearing, except for two defense motions that were filed after the hearing. A week after the pretrial hearing, Jamerson entered a no-contest plea to a reduced charge of second-degree sexual assault of a child.

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

Two weeks later, Jamerson filed a motion to withdraw his no-contest plea, alleging that his counsel had learned of new information that supported Jamerson's claim of innocence. At the hearing on the motion, the circuit court stated that it could not rule on the motion without more detail about the new information. Counsel submitted an affidavit and the State filed a written response to the motion, both of which were sealed. At a subsequent hearing, the court denied Jamerson's motion to withdraw his plea, concluding the new information did not provide a fair and just reason for Jamerson to withdraw his plea. The court found the alleged new information was not relevant and Jamerson had not related it to a specific time frame. The circuit court subsequently imposed a sentence consisting of eight years' initial confinement and eight years' extended supervision.

The no-merit report addresses whether Jamerson's plea was knowingly, intelligently, and voluntarily entered;² whether the circuit court properly denied Jamerson's motion to withdraw his plea; whether the court properly denied Jamerson's motion to suppress his statement; whether trial counsel was ineffective for failing to obtain a ruling prior to Jamerson's plea on a second motion to suppress his statements; and whether the court properly exercised its sentencing discretion. This court is satisfied that the no-merit report properly analyzes the issues raised, and this court will not discuss them further. Our independent review of the record discloses no other potential issues for appeal.

² Although not discussed in the no-merit report, the court personally advised Jamerson of the deportation consequences of his plea as mandated by WIS. STAT. § 971.08(1)(c).

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Jefren E. Olsen is relieved of further representing Jamerson in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals