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**DISTRICT II**

September 18, 2019

To:

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

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2017AP2067-CRNM      State of Wisconsin v. Jeffrey P. Jensen (L.C. #2012CF832)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

**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).**

Jeffrey P. Jensen appeals from a judgment convicting him of failing to comply with the sex offender registry and two counts of possessing child pornography. Jensen's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)<sup>1</sup> and *Anders v.*

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version.

*California*, 386 U.S. 738 (1967). Jensen filed a response. Counsel then filed a supplemental no-merit report. After reviewing the record, counsel's reports, and Jensen's response, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Jensen was convicted following a jury trial of failing to comply with the sex offender registry and two counts of possessing child pornography. Police discovered Jensen using a social networking website in an attempt to contact underage girls. Jensen had not notified the Department of Corrections of his use of the website, despite being required to do so as a registered sex offender. Police searched Jensen's computer pursuant to a warrant and discovered images of child pornography. For his actions, the circuit court imposed an aggregate sentence of twelve years of initial confinement and seven years of extended supervision. This no-merit appeal follows.

The no-merit reports address whether the evidence at Jensen's jury trial was sufficient to support his convictions. When reviewing the sufficiency of the evidence, we may not substitute our judgment for that of the jury "unless the evidence, viewed most favorably to the state and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Our review of the trial transcripts persuades us that the State produced ample evidence to convict Jensen of his crimes. That evidence included Jensen's correspondence with the Department of Corrections regarding his internet use, his account on the social networking website, and the child pornography images found on his computer. We agree with counsel that a challenge to the sufficiency of the evidence would lack arguable merit.

The no-merit reports also address whether the circuit court properly exercised its discretion at sentencing. The record reveals that the court’s sentencing decision had a “rational and explainable basis.” *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (citation omitted). In fashioning its sentence, the court considered the seriousness of the offenses, Jensen’s character, and the need to protect the public. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Under the circumstances of the case, which were aggravated by Jensen’s history as a sex offender and failure to accept responsibility for his actions, the sentence imposed does not “shock public sentiment and violate the judgment of reasonable people concerning what is right and proper.” *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We agree with counsel that a challenge to Jensen’s sentence would lack arguable merit.

Finally, the no-merit reports address several other issues, including (1) whether the circuit court properly decided Jensen’s pretrial motions;<sup>2</sup> (2) whether the jury was selected in a lawful manner; (3) whether trial counsel should have attempted to suppress the child pornography images found on Jensen’s computer; and (4) whether trial counsel was ineffective in other ways (e.g., not subpoenaing certain witnesses, not adequately cross-examining the State’s witnesses, and not investigating other claims made by Jensen). We are satisfied that the reports properly analyze these issues as without merit, and we will not discuss them further.

As noted, Jensen filed a response to counsel’s no-merit report. The response is rambling and difficult to follow. It appears to touch upon the same issues raised in the no-merit reports,

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<sup>2</sup> Jensen filed pretrial motions to adjourn trial, fire his attorney, and suppress his statement to police.

which we will not repeat. In any event, we are not persuaded that Jensen's response presents any issues of arguable merit.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit reports and relieve Attorney Marcella De Peters of further representation in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Marcella De Peters is relieved of further representation of Jeffrey P. Jensen 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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*Sheila T. Reiff*  
*Clerk of Court of Appeals*