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January 2, 2020

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

2018AP1280-CRNM	State of Wisconsin v. Jamal Lawrence Russ (L.C. # 2016CF569)
2018AP1281-CRNM	State of Wisconsin v. Jamal Lawrence Russ (L.C. # 2016CF2670)
2018AP1282-CRNM	State of Wisconsin v. Jamal Lawrence Russ (L.C. # 2016CF4788)

Before Brash, P.J., Kessler and Dugan, 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).

In these consolidated appeals, Jamal Lawrence Russ appeals from judgments of conviction for a total of three felonies, including two counts of human trafficking and one count of conspiracy to intimidate a victim, contrary to WIS. STAT. §§ 940.302(2)(a) and 940.45(4)

(2013-14; 2015-16).¹ Russ's appellate counsel, George Tauscheck, has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967) and WIS. STAT. RULE 809.32. Russ was served with a copy of the no-merit report and advised of his right to file a response. He has not filed a response. We have independently reviewed the records and the no-merit report as mandated by *Anders*. We conclude that there is no issue of arguable merit that could be pursued on appeal. Therefore, we summarily affirm the judgments.

In 2016, the State filed four criminal cases against Russ, alleging that he engaged in the human trafficking of three women and conspiracy to intimidate of one of them. Russ ultimately resolved all four cases by entering into a plea agreement with the State. Pursuant to that agreement, Russ pled guilty to the aforementioned charges, and the State dismissed and read in one count of misdemeanor battery, as well as one count of human trafficking that had been charged in Milwaukee County Circuit Court case No. 2016CF1565.² In addition, the repeater enhancer was dismissed from the human trafficking charges to which Russ pled guilty. In exchange for Russ's guilty pleas, the State agreed to recommend confinement in prison, leaving the length of the sentences to the trial court's discretion.

The trial court conducted a thorough plea colloquy with Russ and accepted his guilty pleas. It also dismissed the other charges and penalty enhancers, consistent with the plea agreement.

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

² Because Russ was not convicted of any crimes in case No. 2016CF1565, that case was not appealed.

At sentencing, Russ was facing up to thirty-five years of initial confinement and twenty-five years of extended supervision. Russ's trial counsel urged the trial court to impose a global sentence of seven to ten years of initial confinement and ten or more years of extended supervision. The trial court ultimately imposed three concurrent sentences that will require Russ to serve a total of fifteen years of initial confinement and ten years of extended supervision.

The no-merit report addresses two issues: (1) whether there is a basis to seek plea withdrawal; and (2) whether the trial court erroneously exercised its sentencing discretion. The no-merit report thoroughly discusses those issues, including references to relevant statutes, case law, transcripts, and other court documents. This court is satisfied that the no-merit report properly analyzes the issues it raises.

With respect to Russ's guilty pleas, the no-merit report analyzes the trial court's compliance with WIS. STAT. § 971.08; *State v. Hampton*, 2004 WI 107, ¶38, 274 Wis. 2d 379, 683 N.W.2d 14; and *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986). For instance, the no-merit report notes that the trial court, among other things, discussed with Russ the elements of the crimes and the potential penalties. Appellate counsel concludes that there would be no arguable merit to asserting that Russ's pleas were not knowingly, voluntarily, and intelligently entered. Having reviewed the records, including the plea hearing transcript, we agree with appellate counsel's conclusion.

The no-merit report also addresses the sentences that were imposed, providing citations to the sentencing transcript and analyzing the trial court's compliance with *State v. Gallion*, 2004 WI 42, ¶¶9, 41-43, 270 Wis. 2d 535, 678 N.W.2d 197. Appellate counsel concludes that there would be no arguable merit to assert that the trial court erroneously exercised its sentencing

discretion, *see id.*, ¶17, or that the sentences were excessive, *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We agree with these assessments. We note that while the trial court imposed the maximum sentence on each of the three felonies, it ordered that the three sentences be served concurrently, which significantly reduced the amount of time Russ will spend in prison. In addition, numerous charges and penalty enhancers had already been dismissed and read in. There would be no arguable merit to assert that the sentences were excessive. *See Ocanas*, 70 Wis. 2d at 185.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the convictions, and discharges appellate counsel of the obligation to represent Russ further in these appeals.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney George Tauscheck is relieved from further representing Jamal Lawrence Russ in these appeals. *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