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DISTRICT I

June 2, 2020

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

2019AP393-CRNM State of Wisconsin v. Jonathan A. Brown (L.C. # 2016CF5181)

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

Jonathan A. Brown appeals from a judgment, entered upon his guilty pleas, convicting him on three counts of second-degree sexual assault. Appellate counsel, Marcella De Peters, has filed a no-merit report, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT.

RULE 809.32 (2017-18).¹ Brown was advised of his right to file a response, but he has not responded. Upon this court's independent review of the record as mandated by *Anders*, and counsel's report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment.

Then twenty-one-year-old Brown was charged with six counts of second-degree sexual assault, contrary to WIS. STAT. § 940.225(2)(a), after he assaulted three women walking to or from their work. He forcefully dragged each woman to a different area, intimidated each woman with a weapon or threat of death, and forced an act of penis-to-vagina intercourse and at least one oral sexual act on each woman. One of the women identified Brown from a photo array.

Brown was arrested and admitted assaulting each woman. He told police he committed the assaults because he was angry about his mother dying when he was five and because his girlfriend had not had sex with him in three months.

After trial counsel raised a competency concern and Brown was determined to be competent to proceed, Brown agreed to resolve his case with a plea agreement. In exchange for his guilty pleas to three of the six charges, the State would dismiss and read in the other three offenses.² Both sides would be free to argue an appropriate sentence, Brown would be expected to make full restitution, and the State would be requesting a presentence investigation report with a sex offender evaluation. At sentencing, the circuit court imposed a sentence of eighteen years'

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

² The State also agreed to dismiss the charge of first-degree sexual assault of a child that had been issued in Milwaukee County Circuit Court case No. 2017CF626. Brown denied committing that offense, and maintained his denial throughout these proceedings.

initial confinement and five years' extended supervision on each count, to be served consecutively. Brown appeals.

The no-merit report addresses two potential issues: whether Brown's pleas were knowing, intelligent, and voluntary and whether the circuit court erroneously exercised its sentencing discretion. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

Our independent review of the record reveals no other potential issues of arguable merit.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Marcella De Peters is relieved of further representation of Brown 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