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**DISTRICT II**

October 7, 2020

To:

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Waukesha County Courthouse  
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Waukesha, WI 53188

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

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2019AP1867-CRNM      State of Wisconsin v. Jessie L. Lee (L.C. #2016CF1129)

Before Neubauer, C.J., Gundrum and Davis, 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).**

Jessie L. Lee appeals from a judgment convicting him of first-degree intentional homicide. Lee's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32

(2017-18)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Lee received a copy of the report and was advised of his right to file a response, but he has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders*, we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

J.S. went to the apartment of his sister, C.S., after his work shift. He found her dead, a gunshot wound to the head. Lee, C.S.'s on-again-off-again boyfriend, often stayed there. C.S. had told J.S. she intended to break up with Lee and was concerned it would not go well. Lee ultimately was arrested and pled no contest to first-degree intentional homicide.

The court ordered a competency evaluation. The first examination was inconclusive due to Lee's lack of cooperation. Lee was transferred to an inpatient facility to be examined by a second doctor. That psychiatrist concluded Lee was competent, so the defense requested a third evaluation by a neuropsychologist the defense chose. He concluded Lee was not competent. A contested competency hearing was scheduled. At the start of the two-day hearing, Lee told the court he was competent but, at his counsel's request, the court proceeded with the hearing.

A psychologist and psychiatrist testifying for the State testified that they believed that Lee was malingering. The defense's expert disagreed about the malingering and testified that he still believed Lee was not competent but could be restored to competency if his "major depressive disorder" was treated. A second defense expert testified that he, too, agreed that Lee could be restored to competency if treated.

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

The circuit court found that Lee was competent and was malingering. Lee entered a no-contest plea to first-degree intentional homicide; the dangerous-weapon modifier and additional count of felon-in-possession were dismissed and read in. The court sentenced him to life in prison without the possibility of release to extended supervision. This no-merit appeal followed.

The no-merit report considers whether (1) Lee's no-contest plea was knowingly, intelligently, and voluntarily entered and (2) there is any arguably meritorious claim for challenging the sentence imposed. Counsel has thoroughly examined the issues. As we agree with her analyses and conclusions, we need not discuss these issues further. We also note that the record does not suggest the presence of any issue of arguable merit by which to challenge the circuit court's disposition of the issue of Lee's competency.

Our review of the record discloses no other potential issues for appeal. Therefore,

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 Ellen J. Krahn is relieved from further representing Jessie L. Lee 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*