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January 12, 2021

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

2020AP695-CRNM	State of Wisconsin v. Morris Glenn Jones (L.C. # 2018CF2735)
2020AP696-CRNM	State of Wisconsin v. Morris Glenn Jones (L.C. # 2018CF5838)

Before Dugan, Donald 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).

In these consolidated appeals, Morris Glenn Jones appeals the partial denial of his request for sentence credit. Jones's appellate counsel, Vicki Zick, 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 Jones 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.

In April 2019, Jones entered into a plea agreement with the State pursuant to which he pled guilty to one count of felony intimidation of a witness in furtherance of a conspiracy and one count of disorderly conduct, both with the domestic abuse assessment. One count of strangulation and one count of battery were dismissed and read in.

At the time of sentencing, Jones was serving a revocation sentence for a prior crime. The trial court sentenced Jones to four years of initial confinement and three years of extended supervision for the intimidation conviction, and it imposed a concurrent ninety-day sentence for the disorderly conduct conviction. Both sentences were imposed concurrent with the revocation sentence. The trial court awarded 295 days of sentence credit.² Jones did not file a notice of intent to pursue postconviction relief from the judgments.

In July 2019, the Department of Corrections wrote the trial court a letter indicating that it believed the proper amount of sentence credit for the intimidation case was 249 days, rather than 295 days. The Department's letter referenced only the intimidation case. The trial court

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

² Although the trial court ordered that the two sentences be served concurrent to each other and the revocation sentence, the judgment of conviction for the disorderly conduct listed zero days of sentence credit. As we note later in this opinion, the trial court's final order effectively remedied that scrivener's error.

subsequently entered an order amending the amount of sentence credit to only sixty-six days for the intimidation conviction.

Trial counsel subsequently filed a letter with the trial court asking it to award a total of 252 days of credit for the intimidation conviction, asserting that Jones had been in custody since June 11, 2018, when he was arrested on a strangulation charge that was later dismissed and read in pursuant to the plea agreement.

The trial court issued an order granting Jones 249 days of credit, agreeing with trial counsel that Jones was entitled to additional sentence credit. However, the trial court reduced the requested amount of credit by three days because the record reflected that Jones had been placed in custody on June 14, 2018, rather than June 11, 2018. The trial court said that it would reconsider the request for three additional days of credit upon the submission of documentation that Jones was arrested on June 11, 2018.

The trial court also found that Jones was entitled to ninety days of sentence credit against his ninety-day disorderly conduct sentence, resulting in “a time served disposition.” The judgment of conviction for the disorderly conduct sentence was amended accordingly.

Jones filed a notice of intent to pursue postconviction relief in both cases, and appellate counsel was appointed for Jones. Appellate counsel’s no-merit report identifies a single issue: whether Jones is entitled to three extra days of sentence credit against the intimidation sentence. Appellate counsel discusses her examination of the record and her determination that “Jones was not arrested or in custody on June 11, 2018.” Therefore, she concludes, the trial court’s final order properly awarded Jones 249 days of sentence credit against his intimidation sentence.

The no-merit report thoroughly discusses this sentence credit issue, including references to relevant statutes, case law, transcripts, and other court documents. This court is satisfied that the no-merit report properly analyzes the issue it raises. We agree with appellate counsel, the trial court, and the Department of Corrections that Jones was entitled to 249 days of credit against his intimidation sentence.

We also conclude that the trial court properly amended the judgment of conviction for the disorderly conduct conviction to reflect ninety days of sentence credit rather than zero, resulting in a time-served disposition.

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

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved from further representing Morris Glenn Jones 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