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**DISTRICT IV**

January 14, 2021

To:

Hon. Josann M. Reynolds  
Circuit Court Judge  
215 S. Hamilton St.  
Madison, WI 53703

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Clerk of Circuit Court  
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Whisper Jackson  
101 E. Mifflin St., Apt. 704  
Madison, WI 53703

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

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2019AP1268-CRNM	State of Wisconsin v. Whisper Jackson (L.C. # 2016CF1136)
2019AP1269-CRNM	State of Wisconsin v. Whisper Jackson (L.C. # 2016CF2395)
2019AP1270-CRNM	State of Wisconsin v. Whisper Jackson (L.C. # 2017CF1703)

Before Blanchard, Kloppenburg, and Graham, 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).**

Attorney Michael Herbert, appointed counsel for Whisper Jackson, has filed no-merit reports pursuant to WIS. STAT. RULE 809.32 (2017-18)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Jackson with copies of the reports, and both counsel and this court

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

advised her of her right to file a response. Jackson has not responded. We conclude that these cases are appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the records, we conclude there is no arguable merit to any issue that could be raised on appeal.

In the cases underlying these consolidated appeals, Jackson was convicted of one felony count of operating while intoxicated, resisting or obstructing an officer, attempted battery of an officer, and felony bail jumping. The court withheld sentences and placed Jackson on a probation term of three years, with nine months of jail as a condition of probation.

The no-merit reports address whether Jackson's pleas were entered knowingly, voluntarily, and intelligently. The reports note that the plea colloquy was arguably deficient with respect to the circuit court's discussion of the elements of the charges and in the court's failure to advise Jackson that the court was not bound by the parties' sentencing recommendation. However, the reports further state that counsel is not able to make the additional necessary factual allegations to support claims based on those deficiencies. Jackson did not respond to the report to dispute the reports in that respect. Therefore, we accept counsel's conclusion as to the lack of merit.

In other respects, the plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Jackson was waiving, and other matters. The records show no other ground to withdraw the pleas. There is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. Jackson's probation terms are within the permitted limits. *See* WIS. STAT. § 973.09(2). As to the court's exercise of discretion, the court imposed the agreed upon terms of probation and conditions. Therefore, the defendant is not permitted to contest the sentences on appeal. *See State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989). There is no arguable merit to this issue.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Herbert is relieved of further representation of Jackson in these matters. *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*