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DISTRICT I

September 8, 2021

To:

Hon. David A. Hansher
Circuit Court Judge
Electronic Notice

Hon. William S. Pocan
Circuit Court Judge
Electronic Notice

John Barrett
Clerk of Circuit Court
Milwaukee County
Electronic Notice

John D. Flynn
Electronic Notice

John W. Kellis
Electronic Notice

Dwayne Jackson c/o Coriena Turner
2529 N. 20th St.
Milwaukee, WI 53206

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

2019AP2263-CR State of Wisconsin v. Dwayne Jackson (L.C. # 2014CF5726)

Before Brash, C.J., Graham 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).

Dwayne Jackson, *pro se*, appeals from a judgment convicting him of first-degree reckless injury with use of a dangerous weapon and from the orders denying his postconviction motions seeking sentence modification.[1] On appeal, Jackson seeks to have his sentence reduced by four years, arguing that the circuit court erroneously exercised its sentencing discretion when it

[1] The Honorable William S. Pocan entered the judgment of conviction. The Honorable David A. Hansher entered the orders denying Jackson's postconviction motions seeking sentence modification.

overlooked his extreme mental health issues and improperly denied his motions for sentence modification. Jackson additionally suggests that his trial counsel and postconviction counsel were ineffective. Based upon our review of the briefs and the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1) (2019-20).[2] We summarily affirm.

We do not reach the challenges to the circuit court's exercise of its sentencing discretion or Jackson's sentence modification claim because he died during the pendency of this appeal. As such, review of these sentencing issues is now moot. *See* ***DeLaMatter v. DeLaMatter***, 151 Wis. 2d 576, 591, 445 N.W.2d 676 (Ct. App. 1989) ("A matter is moot if a determination is sought which cannot have a practical effect on an existing controversy."); *cf.* ***State v. Walker***, 2008 WI 34, ¶14, 308 Wis. 2d 666, 747 N.W.2d 673 (holding that a challenge to a reconfinement order was moot because the defendant had completed the reconfinement term and the court's decision would not affect the underlying controversy).[3] All that remains then are Jackson's ineffective assistance of counsel claims.

We agree with the State's assessment that Jackson "advances fleeting, incomprehensible claims" that trial counsel and postconviction counsel were ineffective for violating his First

[2] All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

[3] Upon learning of Jackson's death, the State filed a letter with this court "suggest[ing] that this appeal is rendered moot." The State referenced only Jackson's claim related to sentence modification in its letter. It does not mention Jackson's ineffective assistance of counsel claims.

Amendment right to assemble and his Fourteenth Amendment right to equal protection.[4] These claims fail because they are undeveloped and raised for the first time on appeal. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (explaining that we need not address undeveloped arguments); *see also* ***Shadley v. Lloyds of London***, 2009 WI App 165, ¶25, 322 Wis. 2d 189, 776 N.W.2d 838 (holding that issues not presented to the circuit court will not be considered for the first time on appeal).

Therefore,

IT IS ORDERED that the judgment and orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals

[4] Jackson's briefing contains no record citations and largely consists of disjointed assertions and citations without any correlating legal analysis explaining how his claims are specifically supported by the legal authority. While we do grant some leniency to *pro se* litigants, we cannot go so far as to make a *pro se* appellant's arguments for him. *See* ***Waushara Cnty. v. Graf***, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992).