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DISTRICT III

November 23, 2021

To:

Hon. Scott R. Needham
Circuit Court Judge
Electronic Notice

Kristi Severson
Clerk of Circuit Court
St. Croix County
Electronic Notice

Karl E. Anderson
Electronic Notice

Winn S. Collins
Electronic Notice

Melissa M. Petersen
Electronic Notice

Jennifer Marie Bowers 624842
615 Lindbergh Dr. NE
Little Falls, MN 56345

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

2019AP503-CRNM State of Wisconsin v. Jennifer Marie Bowers
(L. C. No. 2017CF23)

Before Stark, P.J., Hruz and Gill, 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).

Counsel for Jennifer Bowers has filed a no-merit report concluding there is no basis to challenge Bowers' conviction for child enticement. Bowers was advised of her right to respond, and she has not responded. Upon our independent review of the record as mandated by *Anders*

v. California, 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal, and we summarily affirm. WIS. STAT. RULE 809.21 (2019-20).¹

During an investigation of Bowers' former boyfriend for molesting Bowers' daughter, law enforcement uncovered a photograph of Bowers with her mouth on the penis of Bowers' two and one-half year old nephew. The photograph was found in a safe her boyfriend had in their home, which was opened and searched by investigating officers. Bowers admitted she was depicted in the photograph, but she claimed no memory of any such incident. Bowers further admitted that at the time the photograph was taken, she had a serious opiate problem, taking up to twenty Vicodin a day. Bowers was charged with first-degree sexual assault of a child under age thirteen and with sexual exploitation of a child—produce, perform, etc., as a party to a crime.

A psychological evaluation was conducted, and the examiner determined there was no evidence to suggest Bowers suffered “from any kind of serious psychopathology which might have contributed to her behaviorial acting out.” The examiner further concluded that Bowers did not realize what she was doing on the day she committed the charged offenses, “as a result of being under the influence of drugs as well as the influence of her boyfriend”

Bowers pleaded guilty to an amended charge of child enticement, and the remaining charge was dismissed. The parties jointly recommended five years' probation. A presentence investigation report also recommended five years' probation, with six to nine months'

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

conditional jail time. The circuit court imposed a sentence consisting of three years' initial confinement and seven years' extended supervision.

The no-merit report addresses whether the plea was properly entered, and if there is any basis for Bowers to withdraw her plea; whether Bowers' trial counsel was ineffective for failing to raise a suppression motion; and whether the circuit court properly exercised its sentencing discretion. This court is satisfied that the no-merit report properly analyzes the issues, and we agree with counsel's conclusions that there are no arguable issues of merit that could be brought on appeal. Accordingly, we shall not further discuss the issues raised. Our independent review of the record discloses no other potential issues for appeal.²

Upon the foregoing,

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

IT IS FURTHER ORDERED that Attorney Melissa M. Petersen is relieved of further representing Jennifer Bowers 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

² The circuit court referenced the COMPAS risk assessment but it specifically stated that it was not determinative of the sentence imposed. *See State v. Loomis*, 2016 WI 68, ¶¶98-99, 371 Wis. 2d 235, 881 N.W.2d 749.