OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS
110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

October 26, 2022

To:

Hon. Mark F. Nielsen
Circuit Court Judge
Electronic Notice

Samuel A. Christensen
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Patricia J. Hanson
Electronic Notice

Angela Conrad Kachelski
Electronic Notice

Eric Michael Muellenbach
Electronic Notice

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

2020AP1974-CR State of Wisconsin v. Jonathan W. Bell (L.C. #2017CF1118)

Before Gundrum, P.J., Neubauer and Grogan, 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).

Jonathan W. Bell appeals from a judgment convicting him of one count of first-degree intentional homicide and four counts of attempted first-degree intentional homicide, all as a party to a crime and as a repeater. He contends that there was insufficient evidence to support his convictions. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).[1] We affirm.

---

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

On the night of August 6, 2017, five people were walking home from a fish fry when they were met by gunfire from assailants in an alley. One person was killed, and another was wounded. Two individuals, Rytrell Earl and Bell, were arrested and charged in connection with the shooting. Earl entered a plea while Bell proceeded to trial.

At Bell's trial, the jury heard conflicting evidence from two witnesses about his role in the shooting. One witness was Earl, who had already been convicted and sentenced. The other witness was Bell's cousin, A.P.

According to Earl, he and two men that he knew only by their nicknames[2] were riding in a car on the night in question. They parked in an alley, got out of the car, and saw a group of people. Earl testified that one person in the group was "pulling something out[,] [l]ike it was a gun[,]" so Earl fired at them with the 9-millimeter gun he was carrying. Earl believed that one of the men he was with also fired a gun. The three of them then got back into the car and drove away.

Meanwhile, according to A.P., he, Earl, and Bell were riding in a car on the night in question. They parked in an alley, and Earl and Bell got out of the car while A.P. stayed behind. A.P. subsequently heard some gunshots in the area. A short time later, Earl and Bell returned to the car, and the three of them drove away. A.P. acknowledged that he had not seen either Earl or Bell with a gun in the car. However, he recalled seeing the handle of a gun sticking out of Bell's pocket earlier that day. A.P. also recalled telling an investigator that, after hearing the gunshots, he thought he saw "someone laying in the alley[.]"

[2] The nicknames were "Devonte" and "Dread Head Lord."

The account of multiple shooters was supported by the testimony of the victims.[3] Likewise, it was supported by physical evidence, which revealed the presence of different shell casings at the scene.[4]

Ultimately, the jury found Bell guilty of one count of first-degree intentional homicide and four counts of attempted first-degree intentional homicide, all as a party to a crime and as a repeater. The circuit court imposed a life sentence with a consecutive term of imprisonment. This appeal follows.

On appeal, Bell contends that there was insufficient evidence to support his convictions. In making this argument, Bell points to the conflicting accounts of Earl and A.P. and accuses A.P. of being patently incredible.

"[I]n reviewing the sufficiency of the evidence to support a conviction," we "may not substitute [our] judgment for that of the trier of fact unless the evidence, viewed most favorably to the state and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." ***State v. Poellinger***, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Therefore, if more than one reasonable inference can be drawn from the evidence, we must adopt the inference that supports the verdict. ***Id.*** at 506-07.

---

[3] Victims I.J. and M.L. both reported two individuals shooting at their group.

[4] Police recovered three 9-millimeter casings, one .45-caliber casing, and two .380-caliber casings. The two .380 casings were "dented and deformed" as compared to the other casings. Based on their location and condition, they appeared to have been fired sometime prior to the night in question.

Here, we are satisfied that there was sufficient evidence to support Bell's convictions. As noted, A.P. testified that he saw the handle of a gun sticking out of Bell's pocket on the day of the shooting. He also testified to hearing gunshots later that night after Earl and Bell exited the car in which they were riding. Additionally, he recalled telling an investigator that, after hearing the gunshots, he thought he saw "someone laying in the alley[.]" A.P.'s account was consistent with the testimony of the victims and the physical evidence. Although his account differed from Earl's regarding the players involved, it is the jury's function to decide the credibility of witnesses and reconcile any inconsistencies in the testimony. ***Id.*** at 503.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed pursuant to 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