



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](http://www.wicourts.gov)

**DISTRICT III**

January 24, 2023

To:

Hon. James A. Morrison  
Circuit Court Judge  
Electronic Notice

Vicki Zick  
Electronic Notice

Sheila Dudka  
Clerk of Circuit Court  
Marinette County Courthouse  
Electronic Notice

Thomas W. Jessel 618196  
Oakhill Correctional Inst.  
P.O. Box 938  
Oregon, WI 53575-0938

Winn S. Collins  
Electronic Notice

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

---

2022AP818-CRNM      State of Wisconsin v. Thomas W. Jessel  
2022AP819-CRNM      (L. C. Nos. 2021CF176, 2021CF286)

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).**

In these consolidated appeals, Thomas W. Jessel appeals from judgments of conviction, following guilty pleas, for operating a motor vehicle while intoxicated (OWI), as a fifth or sixth offense, and maintaining a drug trafficking place as a party to a crime. His appellate counsel, Vicki Zick, has filed no-merit reports pursuant to WIS. STAT. RULE 809.32 (2019-20),<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Jessel received copies of the reports, was advised of

---

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

his right to file responses, and did not respond. We have independently reviewed the records and the no-merit reports as mandated by *Anders*. We conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm.

In Marinette County Circuit Court case No. 2021CF176, Jessel was charged with one count of OWI, as a fifth or sixth offense; one count of operating with a prohibited alcohol concentration (PAC), as a fifth or sixth offense; and two counts of operating a motor vehicle while revoked (OAR). While Jessel was out on bond in case No. 2021CF176, the State charged him in Marinette County Circuit Court case No. 2021CF286 with one count of maintaining a drug trafficking place as a party to a crime, one count of possession of drug paraphernalia, and one count of felony bail jumping.

Jessel ultimately entered into a plea agreement with the State in both cases. Pursuant to that agreement, the circuit court conducted a joint plea hearing. In case No. 2021CF176, Jessel pled no contest to OWI, as a fifth or sixth offense. In exchange, the State agreed to dismiss outright the PAC charge and a traffic citation and to dismiss and read in the two OAR charges. The State also agreed to recommend eighteen months of initial confinement followed by two years of extended supervision, subject to multiple conditions. In case No. 2021CF286, Jessel pled no contest to maintaining a drug trafficking place, and the State agreed to dismiss and read in the two other counts. The State agreed to recommend that the court place Jessel on probation for three years and impose and stay a sentence consisting of one year of initial confinement followed by two years of extended supervision, to run consecutively to the sentence in case No. 2021CF176. After a colloquy, the court accepted Jessel's no-contest pleas.

The matters proceeded to sentencing. In case No. 2021CF176, the circuit court sentenced Jessel to an eight-year term of imprisonment, consisting of three years of initial confinement followed by five years of extended supervision, to run consecutively to the sentence in case No. 2021CF286. In case No. 2021CF286, the court sentenced Jessel to a three-year term of imprisonment, consisting of one year of initial confinement followed by two years of extended supervision.

Appellate counsel addresses two issues in the no-merit reports: (1) whether Jessel's pleas were knowing, voluntary, and intelligent; and (2) whether the circuit court properly exercised its discretion during sentencing.<sup>2</sup>

We first agree with counsel's analysis and conclusion that any challenge to the plea colloquy would lack arguable merit. See *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). The circuit court conducted a colloquy using Jessel's plea questionnaire to ascertain that he understood the nature of the charges, the penalties he faced, and the constitutional rights he would be waiving by entering his pleas. See *State v. Pegeese*, 2019 WI 60, ¶¶36-37, 387 Wis. 2d 119, 928 N.W.2d 590; see also *Bangert*, 131 Wis. 2d at 266-72; WIS. STAT. § 971.08. The plea hearing transcript and other record documents demonstrate that Jessel entered his no-contest pleas knowingly, intelligently, and voluntarily. Further pursuit of this issue would be frivolous within the meaning of *Anders*.

---

<sup>2</sup> We consolidated these appeals on our own motion in an order dated January 17, 2023. See WIS. STAT. RULE 809.10(3).

With regard to the circuit court's sentencing discretion, our review of the records confirms that the court appropriately considered the relevant sentencing objectives and factors, focusing particularly on the threat Jessel posed to the community. *See State v Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The resulting sentences were within the maximum authorized by law. *See State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449. The sentences were not so excessive so as to shock the public's sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Therefore, there would be no arguable merit to a challenge to the court's sentencing discretion.

Our independent review of the records reveals no other potential issues of arguable merit.

Therefore,

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 of further representation of Thomas Jessel in these matters. *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*