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DISTRICT II

March 15, 2023

To:

Hon. Bruce E. Schroeder
Circuit Court Judge
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

Angela Dawn Chodak
Electronic Notice

Winn S. Collins
Electronic Notice

Deshun M. Jackson, #665375
Racine Correctional Inst.
P.O. Box 900
Sturtevant, WI 53177-0900

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

2022AP317-CRNM State of Wisconsin v. Deshun M. Jackson (L.C. #2020CF660)

Before Neubauer, Grogan and Lazar, 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).

Deshun M. Jackson appeals from a judgment, entered on a guilty plea, convicting him of first-degree recklessly endangering safety, as party to a crime, with enhancements for habitual criminality and use of a dangerous weapon. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Jackson received a copy of the report, was advised of his right to file a response, and has elected

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

not to do so. Upon consideration of the report and an independent review of the Record, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

Jackson and four others drove to a residence and shot at least eleven bullets into a house. At the time, there were people inside the house, including six children. Police determined a neighbor's house was the intended target of the shooting. The State charged Jackson in an Information with nine counts of first-degree recklessly endangering safety as party to a crime, with enhancements for habitual criminality and use of a dangerous weapon.

In exchange for Jackson's plea to one count in the Information, the State agreed to dismiss and read in the remaining counts as well as to dismiss and read in Jackson's pending charges in Kenosha County Circuit Court case No. 2020CM443.² The State agreed to recommend an unspecified prison sentence. The court accepted Jackson's plea, found him guilty, and sentenced him to ten years' initial confinement and five years' extended supervision. This no-merit appeal follows.

The no-merit report addresses potential issues of whether Jackson's plea was knowingly, voluntarily, and intelligently entered and whether the circuit court properly exercised its discretion at sentencing.

We agree with counsel's analysis and conclusion that any challenge to the validity of Jackson's plea would lack arguable merit. *See State v. Bangert*, 131 Wis. 2d 246, 260, 389

² In Kenosha County Circuit Court case No. 2020CM443, the State charged Jackson with obstructing an officer, carrying a concealed weapon, and possession of THC, all as a repeater.

N.W.2d 12 (1986). Our review of the Record and of counsel's analysis in the no-merit report satisfies us that the circuit court complied with its obligations for taking Jackson's plea, pursuant to WIS. STAT. § 971.08; *Bangert*, 131 Wis. 2d at 261-62; and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906.

With regard to the circuit court's sentencing discretion, our review of the Record confirms that the court appropriately considered the relevant sentencing objectives and factors, focusing particularly on Jackson's previous weapons-based activities and the significant danger Jackson posed to the community when he "went out and rained fire and potential death on others." 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 sentence was 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 sentence was 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 Record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Jackson further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. See WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Angela Dawn Chodak is relieved of further representation of Deshun M. Jackson in this appeal. *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