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**DISTRICT II**

October 25, 2023

To:

Hon. Laura F. Lau  
Circuit Court Judge  
Electronic Notice

Monica Paz  
Clerk of Circuit Court  
Waukesha County Courthouse  
Electronic Notice

Ann Auberry  
Electronic Notice

Susan Lee Opper  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Jamie E. Strasser, #301293  
Green Bay Correctional Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

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

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2021AP686-CRNM      State of Wisconsin v. Jamie E. Strasser (L.C. #2017CF1317)

Before Gundrum, P.J., 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).**

Jamie E. Strasser appeals from a judgment of conviction and an order denying his postconviction motion. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Strasser was sent a copy of the report, was advised of his right to file a response, and has not done so. Upon

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

consideration of the report and an independent review of the record, we conclude there are no issues with arguable merit for appeal. We summarily affirm. *See* WIS. STAT. RULE 809.21.

Strasser was initially charged with first-degree reckless homicide. The charges stemmed from a drug transaction in which Strasser sold heroin containing fentanyl to T.M., who overdosed on the heroin Strasser had sold her. T.M. died from opioid intoxication after resuscitation efforts failed. During his interrogation by a detective on the case following the waiver of his *Miranda*<sup>2</sup> rights, Strasser admitted that he had sold T.M. the heroin a few hours before she died.

Following a contested preliminary hearing, Strasser was bound over on the first-degree reckless homicide charge. Strasser's trial counsel<sup>3</sup> later filed a motion to dismiss alleging that his due process rights were violated by the State's destruction of certain drug paraphernalia and journals found by T.M.'s relatives and friends in the days following T.M.'s death. After an evidentiary hearing, the circuit court denied the motion.<sup>4</sup>

Trial counsel next filed a motion seeking to suppress Strasser's statements to the detective during his interrogation. Counsel argued that the statement was taken in violation of Strasser's *Miranda* rights because he was experiencing withdrawal from his heroin use when he

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<sup>2</sup> *See Miranda v. Arizona*, 384 U.S. 436 (1966).

<sup>3</sup> Strasser was represented by two trial attorneys working as co-counsel throughout the duration of the circuit court proceedings.

<sup>4</sup> The Honorable Lee S. Dreyfus, Jr. presided over the hearing on the motion to dismiss and entered an oral ruling denying the motion. The Honorable Laura F. Lau presided over all other hearings relevant to this no-merit appeal and entered the judgment of conviction, imposed sentence, and entered the order denying Strasser's postconviction motion.

was questioned and therefore could not knowingly waive his rights or give a voluntary statement. After an evidentiary hearing, the circuit court denied the suppression motion.

Ultimately, Strasser reached a plea agreement with the State pursuant to which he agreed to plead no contest to a lesser charge of second-degree reckless homicide. Two additional charges were dismissed and read in. The State submitted the facts in the criminal complaint as a factual basis for the plea, and trial counsel supplemented the factual basis with additional information in a sentencing memorandum. The maximum penalties that Strasser was facing included a fine of \$100,000 and a term of twenty-five years of imprisonment. The parties jointly recommended a sentence of eight years of initial confinement and eight years of extended supervision, concurrent to the sentence Strasser was already serving for a different offense. The parties had also agreed to ask the circuit court to proceed to sentencing without a pre-sentence investigation (PSI), but the court ordered a PSI after deciding that it would be useful in making its sentencing decision.

For Strasser's actions, the circuit court imposed a sentence of ten years of initial confinement and eight years of extended supervision to run concurrent with the sentence Strasser was serving at the time of sentencing. Strasser subsequently filed a postconviction motion seeking plea withdrawal. In it, he complained that his trial counsel were ineffective for failing to show him the sentencing memorandum prior to the day of his plea hearing and for failing to provide him with the statements of two potential defense witnesses. After an evidentiary hearing at which both trial counsel and Strasser testified, the circuit court denied the motion. As one of the bases for its decision, the court explicitly found trial counsels' testimony at the hearing more credible than that of Strasser. This no-merit appeal follows.

The no-merit report addresses: (1) whether the circuit court properly exercised its discretion in denying the motion to dismiss; (2) whether the circuit court erred in denying the suppression motion; (3) whether Strasser's pleas were entered knowingly, voluntarily, and intelligently; (4) whether the circuit court properly exercised its discretion at sentencing; and (5) whether the circuit court properly exercised its discretion in denying the postconviction motion seeking plea withdrawal. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

Upon our independent review of the record, we have found no other arguable basis for reversing the judgment of conviction. See *State v. Allen*, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Ann Auberry is relieved of further representation of Jamie E. Strasser in this appeal. See WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*