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DISTRICT II

April 17, 2024

To:

Hon. Paul V. Malloy
Circuit Court Judge
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Connie Mueller
Clerk of Circuit Court
Ozaukee County Justice Center
Electronic Notice

Jesse C. Vogt, #368437
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

Christopher D. Sobic
Electronic Notice

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

2023AP1336-CRNM	State of Wisconsin v. Jesse C. Vogt (L.C. #2021CF134)
2023AP1337-CRNM	State of Wisconsin v. Jesse C. Vogt (L.C. #2021CF406)

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).

Jesse C. Vogt appeals from judgments of conviction in two cases. His appellate counsel filed a no-merit report as to these consolidated appeals pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Vogt was sent a copy of the report, was advised of his right to file a response, and has not done so. Upon consideration of the report

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

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.

Pursuant to a plea agreement, Vogt entered pleas of no contest to one count of operating a motor vehicle while intoxicated, fourth offense, and guilty to one count of felony bail jumping. Two other charges were dismissed and read in.² Vogt faced a total maximum penalty of twelve years of imprisonment, bifurcated as six years of initial confinement and six years of extended supervision. The parties agreed the State would recommend an aggregate sentence of three and one-half years of initial confinement and five years of extended supervision, and defense counsel was free to argue for lesser penalties. The circuit court followed the plea agreement and imposed a sentence of three and one-half years of initial confinement and five years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether Vogt's pleas were entered knowingly, voluntarily, and intelligently, and whether the circuit court properly exercised its discretion at sentencing. 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 judgments 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.

² The charges that were dismissed and read in were operating a motor vehicle under the influence of a restricted controlled substance, fourth offense, and possession of drug paraphernalia.

Upon the foregoing reasons,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Christopher D. Sobic is relieved from further representing Vogt in these appeals. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals