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**DISTRICT II**

May 22, 2024

To:

Hon. Faye M. Flancher  
Circuit Court Judge  
Electronic Notice

Amy Vanderhoef  
Clerk of Circuit Court  
Racine County Courthouse  
Electronic Notice

Pamela Moorshead  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Brenton R. Johnson, #457531  
Oshkosh Correctional Inst.  
P.O. Box 3310  
Oshkosh, WI 54903-3310

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

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2023AP1605-CRNM	State of Wisconsin v. Brenton R. Johnson (L.C. #2017CF806)
2023AP1606-CRNM	State of Wisconsin v. Brenton R. Johnson (L.C. #2017CF680)
2023AP1607-CRNM	State of Wisconsin v. Brenton R. Johnson (L.C. #2016CF1676)

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

In these consolidated cases, Brenton R. Johnson appeals from judgments convicting him of numerous crimes. 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). Johnson received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the Records, we conclude there are no

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

issues with arguable merit for appeal. We summarily affirm the judgments. *See* WIS. STAT. RULE 809.21.

Johnson entered no contest pleas to possession with intent to distribute THC near a school, possession with intent to deliver cocaine near a park, delivering cocaine, maintaining a drug trafficking place, and six counts of felony bail jumping. The charges stemmed from three cases that were handled together in the circuit court.

Prior to sentencing, Johnson moved to withdraw his pleas on the ground that they were not entered knowingly, voluntarily, and intelligently. After a hearing on the matter, the circuit court denied the motion. In doing so, it cited the lengthy plea colloquy as well as Johnson's extensive experience in the criminal justice system.

The circuit court subsequently imposed an aggregate sentence of twelve years of initial confinement and nine years of extended supervision. These no-merit appeals follow.

The no-merit report addresses (1) whether Johnson's pleas were entered knowingly, voluntarily, and intelligently; (2) whether they had a factual basis; (3) whether the circuit court erred in denying Johnson's motion to withdraw his pleas; (4) whether a plea breach issue in another case<sup>2</sup> created any issue in these cases; and (5) 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.

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<sup>2</sup> In another case (Racine County case No. 2015CF840) handled during this time period, the State failed to make its promised sentencing recommendation to Johnson. The parties later resolved the issue via a stipulation for sentence modification. As noted by appellate counsel, the State made sentencing recommendations in the cases on appeal in these matters that were consistent with the plea agreements.

Our review of the Records discloses no other potential issues for appeal.<sup>3</sup> Accordingly, this court accepts the no-merit report, affirms the judgments of conviction, and discharges appellate counsel of the obligation to represent Johnson further in these appeals.

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 Pamela Moorshead is relieved of further representation of Brenton R. Johnson in these appeals. *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*

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<sup>3</sup> We note that Johnson's pleas forfeited the right to raise other nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *See State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886; *see also State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.