



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 II**

June 26, 2024

To:

Hon. Phillip A. Koss  
Circuit Court Judge  
Electronic Notice

Dustin C. Haskell  
Electronic Notice

Michele Jacobs  
Clerk of Circuit Court  
Walworth County Courthouse  
Electronic Notice

Jessica L. Yang, #707426  
Taycheedah Correctional Inst.  
P.O. Box 3100  
Fond du Lac, WI 54936-3100

Jennifer L. Vandermeuse  
Electronic Notice

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

---

2023AP150-CRNM      State of Wisconsin v. Jessica L. Yang (L.C. #2021CF42)

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).**

Jessica L. Yang appeals a judgment of conviction, entered on her guilty plea, to repeated sexual assault of the same child contrary to WIS. STAT. § 948.025(1)(e) (2021-22).<sup>1</sup> Appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Yang has filed a response to the no-merit report in which she acknowledges the harm her actions have caused, chronicles her progress in corrections

---

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

programming, and requests a sentence reduction. Upon consideration of the no-merit report and the response, and following an independent review of the record as mandated by *Anders* and RULE 809.32, we conclude there is no arguable merit to any issue that could be raised on appeal and summarily affirm the judgment. *See* WIS. STAT. RULE 809.21(1).

Yang was charged with repeated sexual assault of the same child based upon her nephew's accusation that she had touched his penis several times in 2020. She was also charged with sexual intercourse with a child contrary to WIS. STAT. § 948.09 based on a different sixteen-year-old victim's acknowledgment that he had consensual sex with Yang. Yang entered into a plea agreement under which she pled guilty to the repeated sexual assault charge, with the sexual intercourse charge dismissed and read in. The parties jointly requested a presentence investigation report, and the State agreed to cap its sentencing recommendation for initial confinement at ten years, with the defense free to argue. After a thorough colloquy, the circuit court accepted the plea.

Yang subsequently discharged her counsel and filed a plea withdrawal motion, alleging she was confused about the elements of the offense the circuit court had discussed during the plea colloquy. After conducting an evidentiary hearing, the circuit court denied the motion, concluding that Yang had failed to establish a fair and just reason for plea withdrawal. The court disbelieved Yang's testimony that she was confused and found that Yang's desire for plea withdrawal was motivated by her "being taken into custody and then having it clinched ... by that presentence investigation."

The circuit court ultimately imposed a sentence consisting of ten years' initial confinement and fifteen years' extended supervision, with lifetime sex offender registration.

Appointed postconviction counsel sought an additional day of sentence credit, which was granted. Yang now appeals.

The no-merit report addresses whether Yang could raise nonfrivolous arguments related to: (1) the validity of Yang's plea; (2) the denial of Yang's motion for plea withdrawal; and (3) the circuit court exercise of sentencing discretion. Our review of the appellate record satisfies us that the no-merit report sufficiently analyzes these issues and properly concludes that any challenge based upon them would lack arguable merit. Our review of the appellate record discloses no other potentially meritorious issues for appeal.

In her response, Yang requests a sentence reduction, apparently because of her laudable participation in therapy and corrections programming. A motion for sentence modification based on new factors must be presented to the sentencing court, not this court. *See State v. Harbor*, 2011 WI 28, ¶35, 333 Wis. 2d 53, 797 N.W.2d 828. The sole purpose of the no-merit proceedings before this court is to determine whether there is any arguable basis for an appeal. As set forth above, there is not.

Based on the foregoing,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that Attorney Dustin C. Haskell is relieved from further representing Jessica L. Yang in this appeal. *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*