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**DISTRICT I**

September 10, 2024

To:

Hon. Mark A. Sanders  
Circuit Court Judge  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Christopher P. August  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Dajon L. Piltcher 674179  
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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2024AP237-CRNM      State of Wisconsin v. Dajon L. Piltcher (L.C. # 2017CF2170)

Before White, C.J., Donald, P.J., and Geenen, J.

**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).**

Dajon L. Piltcher appeals from a judgment of conviction entered upon his guilty plea to one count of second-degree reckless homicide. Appellate counsel, Christopher P. August, has 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). Piltcher received a copy of the report, was advised of his right to file a response, and has not responded. We have independently reviewed the record and the no-merit

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

report, as mandated by *Anders*, and we conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm.

In May 2017, the State charged Piltcher with one count of first-degree reckless homicide with the use of a dangerous weapon. According to the criminal complaint, Piltcher shot and killed the victim following a dispute at a party. Ultimately, Piltcher pled guilty to an amended charge of second-degree reckless homicide. The circuit court conducted a colloquy with Piltcher and accepted his plea. The circuit court sentenced Piltcher to fourteen years of initial confinement and ten years of extended supervision. Piltcher filed a WIS. STAT. RULE 809.30 postconviction motion for resentencing, which the circuit court granted. The circuit court held a resentencing hearing, where the court resentenced Piltcher to thirteen years of initial confinement and nine years of extended supervision. This no-merit report follows.

Appellate counsel's no-merit report only addresses whether the circuit court erroneously exercised its discretion in resolving the postconviction motion challenging the sentence. Counsel's no-merit report does not address the plea colloquy. Appellate counsel contends that because this is an appeal from an amended judgment of conviction entered after a new sentencing hearing, our review is limited to the propriety of that exercise of sentencing discretion. This court concludes, however, that the entirety of the case is before us for review under WIS. STAT. RULE 809.32. We have therefore reviewed the entirety of the record, including all materials relevant to Piltcher's plea.

Our review of the record—including the plea questionnaire/waiver of rights form, the addendum, the jury instructions initialed by Piltcher and the plea hearing transcript—confirms that the circuit court complied with its obligations for taking guilty pleas, pursuant to WIS. STAT.

§ 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. Any challenge to the entry of Piltcher’s guilty plea would lack arguable merit for appeal. Moreover, Piltcher’s guilty plea waived “all nonjurisdictional defects and defenses.” *State v. Popp*, 2014 WI App 100, ¶13, 357 Wis. 2d 696, 855 N.W.2d 471 (citation omitted).

With regard to the circuit court’s ultimate sentencing decision, we note that sentencing is a matter for the circuit court’s discretion. *See State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. At sentencing, a court must consider the principal objectives of sentencing, including the protection of the community, the punishment and rehabilitation of the defendant, and deterrence to others. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. It must also determine which objective or objectives are of greatest importance. *Gallion*, 270 Wis. 2d 535, ¶41. In seeking to fulfill the sentencing objectives, the court should consider several primary factors, including the gravity of the offense, the character of the offender, and the protection of the public, and it may consider additional factors. *State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695. The weight to be given to each factor is committed to the court’s discretion. *Id.*

Our review of the record confirms that the circuit court appropriately considered the relevant sentencing objectives and factors. The resulting sentence was within the potential maximum authorized by law, *see State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and is 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).

Our independent review of the record reveals no other potential issues of arguable merit.

Upon the foregoing therefore,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Christopher P. August is relieved of further representation of Dajon L. Piltcher in this matter. *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*