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**DISTRICT II**

December 4, 2019

*To:*

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Darian D. Jackson  
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You are hereby notified that the Court has entered the following opinion and order:

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2018AP666-CRNM      State of Wisconsin v. Darian D. Jackson (L.C. #2016CF179)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, 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).**

Darian D. Jackson appeals from a judgment convicting him of possession of tetrahydrocannabinols with intent to deliver contrary to WIS. STAT. § 961.41(1m)(h)1. (2015-16).

Jackson's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Jackson received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

A jury convicted Jackson. The circuit court withheld sentence and imposed two years of probation with conditional jail time.

The no-merit report addresses the following possible appellate issues: (1) whether the evidence was sufficient to convict Jackson; (2) whether the circuit court erred when it denied Jackson's request for a mistrial arising from an investigator's testimony about how individuals can be deceptive during interactions with law enforcement; and (3) whether the circuit court misused its discretion at sentencing. After reviewing the record, we conclude that counsel's no-merit report properly analyzes these issues and correctly concludes that these issues are without arguable merit.

Our review of the jury trial does not reveal any issues with arguable merit relating to the jury selection, evidentiary objections, the circuit court's mistrial ruling, or the jury instructions. The evidence, viewed in the light most favorable to the State, had sufficient probative value and force such that a reasonable jury could have found guilt beyond a reasonable doubt. *See State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Evidence was presented for each

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

element of the crime. We conclude that no arguable merit could arise from a challenge to the jury trial.

Finally, we conclude that the circuit court considered the appropriate factors and engaged in a proper exercise of discretion at sentencing. *See State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (sentencing factors).

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report, affirm the judgment of conviction, and relieve Attorney Diane Lowe of further representation of Jackson in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Diane Lowe is relieved of further representation of Darian Jackson in this matter.

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*