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DISTRICT I

September 23, 2025

To:

Hon. Paul R. Van Grunsven
Circuit Court Judge
Electronic Notice

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

John Blimling
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Kathleen A. Lindgren
Electronic Notice

Cortney Devon Jones 484422
Oakhill Correctional Institution
P.O. Box 938
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You are hereby notified that the Court has entered the following opinion and order:

2024AP1320-CRNM	State of Wisconsin v. Cortney D. Jones (L.C. # 2016CF4900)
2024AP1321-CRNM	State of Wisconsin v. Cortney Devon Jones (L.C. # 2020CF4554)
2024AP1322-CRNM	State of Wisconsin v. Cortney Devon Jones (L.C. # 2021CF4058)

Before White, C.J., Colón, 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).

Cortney Devon Jones appeals his judgments of conviction for several drug offenses and related charges, and from the order denying his postconviction motion. His appellate counsel, Attorney Kathleen A. Lindgren, filed a no-merit report pursuant to ***Anders v. California***, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).[1] Jones was advised of his right to file a response, but he did not do so. Upon this court's independent review of the record as mandated

[1] All references to the Wisconsin Statutes are to the 2023-24 version.

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

Jones was charged with ten counts in three separate cases between 2016 and 2021. This included several drug-related charges for possession with the intent to deliver, manufacturing and delivery of controlled substances, and maintaining a drug trafficking place. He was also charged with fleeing an officer and second-degree recklessly endangering safety after a police chase through surface streets in Milwaukee for over 19 miles, reaching speeds of 87 miles per hour.

Jones opted to resolve these matters with a plea. In accordance with the plea negotiations, Jones pled guilty to five of the charges, including the recklessly endangering safety and fleeing charges associated with the chase through Milwaukee city streets. The remaining charges were dismissed but read in for sentencing purposes. The circuit court imposed a global sentence of eight years of initial confinement followed by nine years of extended supervision.

Furthermore, the circuit court deemed Jones to be ineligible for earned release programming through the Department of Corrections. Jones filed a postconviction motion seeking sentence modification granting eligibility to participate in programming, claiming there was new information regarding his struggle with addiction that was not presented at sentencing. Jones further asserted that the court did not explain its reasoning for finding him ineligible for programming.

The circuit court rejected Jones's arguments. The court found that the details regarding his addiction did not meet the criteria for a new factor for purposes of sentence modification,

because they were known to Jones at the time of sentencing. *See* ***State v. Harbor***, 2011 WI 28, ¶¶36-40, 333 Wis. 2d 53, 797 N.W.2d 828. Furthermore, the court noted that it was "well aware of [Jones]'s addiction problems and considered this factor during its sentencing decision."

Regarding its reasoning for its programming ineligibility determination, the court reiterated the statement it made at sentencing that, regardless of Jones's addiction, the court could not "ignore the sheer number of counts and the criminal behavior … that is now before [it] with regard to these three cases." As such, the court clarified that it had found Jones ineligible for the earned release programs "in order to accomplish the goals of punishment, deterrence, and community protection." Therefore, the court denied Jones's postconviction motion. This no-merit appeal follows.

The no-merit report first addresses whether there would be arguable merit to appealing the validity of Jones's pleas. A plea is not constitutionally valid if it is not knowingly, voluntarily, and intelligently entered. ***State v. Bangert***, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). This may be established if the requirements set forth in WIS. STAT. § 971.08 and ***Bangert*** are not met during the plea colloquy by the circuit court. ***State v. Brown***, 2006 WI 100, ¶¶23, 34-35, 293 Wis. 2d 594, 716 N.W.2d 906. The record here reflects that the plea colloquies by the circuit court substantially complied with these requirements.[2] Furthermore, the court confirmed that Jones signed and understood the plea questionnaire and waiver of rights forms, which further demonstrates that his pleas were knowingly, voluntarily, and intelligently entered. *See* ***State v. Moederndorfer***, 141 Wis. 2d 823, 827, 416 N.W.2d 627 (Ct. App. 1987). Therefore,

[2] We note that the pleas in each of these cases were entered separately, over several different hearings.

we agree with appellate counsel's analysis that there would be no arguable merit to a challenge of the validity of Jones's pleas.

The no-merit report also addresses whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion in sentencing Jones. The record reflects that the circuit court properly exercised its discretion in considering proper and relevant sentencing objectives and factors. *See* ***State v. Gallion***, 2004 WI 42, ¶17, 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. As noted above, the court acknowledged Jones's addiction, but gave more weight to the egregious nature of Jones's reckless driving, and the need to protect the public from that as well as drug dealing.

Additionally, Jones's sentences are within the statutory maximums, and are therefore presumed not to be unduly harsh or unconscionable. *See* ***State v. Grindemann***, 2002 WI App 106, ¶32, 255 Wis. 2d 632, 648 N.W.2d 507. We therefore agree with appellate counsel's assessment that there would be no arguable merit to a challenge of Jones's sentences.

Finally, the no-merit report discusses the circuit court's denial of Jones's postconviction motion. The report concludes that the court properly exercised its discretion in denying Jones's eligibility for earned release programming as explained in its postconviction decision, described

above.[3] We agree with appellate counsel's conclusion that there would be no arguable merit to a challenge of the order denying Jones's postconviction motion.

Our independent review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Jones further in this appeal.

For all the foregoing reasons,

IT IS ORDERED that the judgments and order are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Kathleen A. Lindgren is relieved of further representation of Jones in these matters. *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

[3] The circuit court also noted that Jones was ineligible for the challenge incarceration program due to his age; however, the record reflects that Jones has not yet attained the age of 40. *See* WIS. STAT. § 302.045(2)(b). Nevertheless, the court's explanation of its reasoning for deeming Jones ineligible for earned release programming, both at sentencing and in its decision denying Jones's postconviction motion, demonstrates a proper exercise of its discretion. *See* ***State v. Owens***, 2006 WI App 75, ¶9, 291 Wis. 2d 229, 713 N.W.2d 187.