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DISTRICT II

November 5, 2025

To:

Hon. Eugene A. Gasiorkiewicz
Circuit Court Judge
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Brian Patrick Mullins
Electronic Notice

Charles E. Jones #724174
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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

2025AP274-CRNM State of Wisconsin v. Charles E. Jones (L.C. #2022CF1131)

Before Gundrum, 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).

Charles E. Jones appeals from a judgment convicting him of one count of sexual assault of a child under the age of 16 and one count of incest. Jones entered guilty pleas to both counts pursuant to an agreement with the State. Attorney Brian Patrick Mullins has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24);[1] *see also* ***Anders v. California***, 386 U.S. 738, 744 (1967). The no-merit report addresses the validity of the plea and the circuit court's exercise of sentencing discretion. Jones was sent a copy of the

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

report and advised of his right to file a response. He has not done so. Upon reviewing the entire record and the no-merit report, we conclude that there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

First, we see no arguable basis for plea withdrawal. In order to withdraw a plea after sentencing, a defendant must either show that the plea colloquy was defective in a manner that resulted in the defendant actually entering an unknowing plea, or demonstrate some other manifest injustice such as coercion, the lack of a factual basis to support the charge, ineffective assistance of counsel, or failure by the prosecutor to fulfill the plea agreement. ***State v. Bangert***, 131 Wis. 2d 246, 272-78, 389 N.W.2d 12 (1986); ***State v. Krieger***, 163 Wis. 2d 241, 249-51 & n.6, 471 N.W.2d 599 (Ct. App. 1991). There is no indication of any such defect here.

Jones entered guilty pleas to one count of sexual assault of a child under the age of 16 and one count of incest after his then-13-year-old stepdaughter reported ongoing sexual abuse by Jones to the police. The victim presented police with both video and still images depicting Jones sexually assaulting her, and Jones confessed to having sexually assaulted his stepdaughter at least ten times in the year prior to the assaults captured by the victim on camera. Four other felony charges were dismissed and read in.

The circuit court conducted a standard plea colloquy, inquiring into Jones' ability to understand the proceedings and the voluntariness of his plea decision and further exploring his understanding of the nature of the charge, the penalty range, other direct consequences of the pleas, and the constitutional rights being waived. *See* ***State v. Hoppe***, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794; *see also* ***Bangert***, 131 Wis. 2d at 266-72. The court made sure

Jones understood that it would not be bound by any sentencing recommendations. In addition, Jones provided the court with a signed plea questionnaire. Jones indicated to the court that he understood the information explained on that form and is not now claiming otherwise. *See* ***State v. Moederndorfer***, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987).

Jones' counsel stated on the record that there was a factual basis for the pleas, and there is nothing in the record or the no-merit report that leads us to conclude otherwise. Jones told the circuit court that he was satisfied with trial counsel's representation of him, and based on our independent review, we conclude the record would not support a claim that trial counsel rendered ineffective assistance. Jones has not alleged that the prosecutor failed to abide by the plea agreement or any other facts that would give rise to a manifest injustice. Therefore, the pleas were valid and operated to waive all nonjurisdictional defects and defenses, aside from any suppression ruling.[2] ***State v. Kelty***, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886.

There also is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. In imposing sentence, the court considered the seriousness of the offenses, Jones's character, and the need to protect the public. *See* ***State v. Gallion***, 2004 WI 42, ¶¶13, 27, 40-44, 270 Wis. 2d 535, 678 N.W.2d 197. The court ordered a presentence investigation and relied on it in part for information at sentencing. Jones had the opportunity to address the court directly, and did so prior to the imposition of sentence.

[2] Our review of the record shows that Jones did not file a suppression motion, or any other pretrial motions, in the circuit court.

The circuit court imposed an aggregate sentence of 27 and one-half years of initial confinement and 9 years of extended supervision, which was less than half of the maximum time provided by the statutes for Jones' conviction of two Class C felonies. *See* WIS. STAT. § 973.01(2)(b)3, (d)2. "A sentence well within the limits of the maximum sentence is not so disproportionate to the offense committed as to shock the public sentiment and violate the judgment of reasonable people concerning what is right and proper under the circumstances." ***State v. Daniels***, 117 Wis. 2d 9, 22, 343 N.W.2d 411 (Ct. App. 1983); *see* ***Ocanas v. State***, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Upon our independent review of the record, we conclude there is no other arguable basis for reversing the judgment of conviction. *See* ***State v. Allen***, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of ***Anders*** and WIS. STAT. RULE 809.32.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Brian Patrick Mullins is relieved from further representing Charles E. Jones 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