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DISTRICT II

March 4, 2026

To:

Hon. Mark F. Nielsen
Circuit Court Judge
Electronic Notice

Sarah Burgundy
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Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Mecquon J. Jones #402774
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You are hereby notified that the Court has entered the following opinion and order:

2023AP2219	State of Wisconsin v. Mecquon J. Jones (L.C. #2016CF620)
2024AP53	State of Wisconsin v. Mecquon J. Jones (L.C. #2016CF620)

Before Neubauer, P.J., Gundrum, and Grogan

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).

Mecquon J. Jones appeals the order denying his WIS. STAT. § 974.06 motions and the order denying his motion for reconsideration. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ We affirm.

Jones pled no contest to first-degree reckless homicide and misdemeanor theft as party to a crime. According to the complaint, which formed the basis for Jones's plea, Jones and his

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

companions—who had been drinking—got into an argument with the victim, Thomas Borglin, brutally beat him, and then left him at his residence with his pockets turned out and having taken two TVs. Borglin was found dead two days later. The medical examiner determined that Borglin had died from blunt-force trauma to his chest and neck.

Jones’s direct review resolved in no-merit proceedings, *see State v. Jones*, No. 2019AP1551-CRNM, unpublished slip op. (WI App Nov. 25, 2020). There, Jones raised the question of whether trial counsel ineffectively failed to hire an expert to challenge the medical examiner’s opinion of Borglin’s cause of death. *Id.* at 9-11. This Court found no arguable merit to that claim because there was no basis for counsel to have sought an independent autopsy and because Jones did not identify any expert who would have challenged the medical examiner’s opinion. *Id.* at 11.

Two years later, Jones, acting pro se, filed two WIS. STAT. § 974.06 postconviction motions. As relevant here, Jones claimed that his postconviction counsel was ineffective for failing to raise claims of ineffective assistance of trial counsel for not adequately investigating the victim’s cause of death. In support of his motion, Jones included an affidavit of Dr. Shiping Bao, a forensic pathologist who opined that the likely cause of Borglin’s death was not blunt-force trauma but rather manual strangulation.²

The circuit court held an evidentiary hearing on the motion, at which Dr. Bao testified. Dr. Bao opined that Borglin died of either strangulation—which, in his opinion, may have

² Jones raised additional claims and grounds for relief in his WIS. STAT. § 974.06 motions, but the circuit court held that the only arguably not precluded claim was Jones’s assertion that trial counsel and postconviction counsel were ineffective for not obtaining Dr. Bao as an independent expert to challenge the medical examiner’s opinion on the cause of death. We agree with the court.

occurred after the fight with Jones and his companions—or due to his high blood-alcohol concentration. Dr. Bao’s primary theory was that Borglin likely survived the injuries caused by Jones and his companions and was strangled two days later by a different person in a separate event. But Dr. Bao also testified that the “most likely” cause of death was alcohol intoxication, “[s]econd in line is manual strangulation,” and third, “blunt force trauma.” At one point Dr. Bao also testified: “All I know is [Borglin] had a blunt trauma of head, neck, chest, abdomen.... This can cause death. As a matter of fact, he did *not* die of strangulation.” (Emphasis added.)

Dr. Bao based his opinion on written reports; he did not examine Borglin’s body or review any photographs from the original autopsy. Dr. Bao also developed his primary theory based on two incorrect facts provided by Jones: (1) that Jones and Borglin fought in a public place, not in the hallway of Borglin’s home where his body was found; and (2) that there was evidence that Borglin “seemed fine” after the altercation with Jones.

The circuit court denied Jones’s WIS. STAT. § 974.06 motion. It found that while Dr. Bao offered an alternative theory on Borglin’s cause of death in his affidavit, his testimony was unreliable and unclear. The court noted that Dr. Bao waffled on whether strangulation was the primary cause, at one point testified that alcohol intoxication was the primary cause, and also acknowledged that blunt-force trauma was a possible cause of death. The court further noted that Dr. Bao based his theory that someone strangled the victim after Jones’s assault on Jones’s “inaccurate version of the facts,” specifically, the false information that the assault occurred in a public place and that the victim “seemed fine” after Jones assaulted him. (Quotation marks omitted.) The court explained that, contrary to Dr. Bao’s view, there was no evidence that Borglin regained responsiveness after Jones and his companions left him, and that there was “nothing to contradict the autopsy findings that Borglin lay dying from the infliction of injuries

and died at least 12 hours before being found.” In other words, the court determined that Dr. Bao’s flawed opinion was not reasonably likely to result in a different verdict. Accordingly, the court denied Jones’s claim related to any failure by counsel to seek out an additional expert, and it summarily denied Jones’s remaining claims as precluded by the no-merit decision.

Jones then filed a motion for reconsideration, which the circuit court denied. Jones appeals.

On appeal, Jones renews his claim that his trial counsel and postconviction counsel’s ineffectiveness constitute a manifest injustice supporting plea withdrawal.

To withdraw his plea after sentencing, Jones “must show by clear and convincing evidence that a refusal to allow withdrawal of the plea would result in manifest injustice, that is, that there are ‘serious questions affecting the fundamental integrity of the plea[.]’” *See State v. Dillard*, 2014 WI 123, ¶83, 358 Wis. 2d 543, 859 N.W.2d 44 (citation omitted). “One way to demonstrate manifest injustice is to establish that the defendant received ineffective assistance of counsel.” *Id.*, ¶84. To establish a claim for ineffective assistance of counsel, Jones must show that trial counsel’s performance was deficient and that this deficient performance was prejudicial. *See State v. Mayo*, 2007 WI 78, ¶33, 301 Wis. 2d 642, 734 N.W.2d 115. To establish deficient performance, Jones must show facts from which a court could conclude that trial counsel’s representation was below the objective standards of reasonableness. *See State v. Wesley*, 2009 WI App 118, ¶23, 321 Wis. 2d 151, 772 N.W.2d 232. To demonstrate prejudice, he “must show that there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *See Strickland v. Washington*, 466 U.S.

668, 694, (1984). If Jones fails to make a sufficient showing on one *Strickland* prong, we need not address the other. *See id.* at 697.

We review a circuit court’s decision rejecting a claim of ineffective assistance of counsel under a mixed standard. “The factual circumstances of the case and trial counsel’s conduct and strategy are findings of fact” that we will not overturn unless clearly erroneous. *State v. Breitzman*, 2017 WI 100, ¶37, 378 Wis. 2d 431, 904 N.W.2d 93; *see also* WIS. STAT. § 805.17(2). Whether counsel’s performance was deficient and whether any deficiencies caused prejudice are legal questions that we review de novo. *Breitzman*, 378 Wis. 2d 431, ¶¶37-39.

We reject Jones’s claim because he has failed to show prejudice. *See Strickland*, 466 U.S. at 694. Dr. Bao testified inconsistently regarding Borglin’s cause of death. While he did opine that someone other than Jones and his companions strangled Borglin and ultimately caused his death, Dr. Bao also testified Borglin did *not* die of strangulation. He was also inconsistent regarding the role intoxication and blunt-force trauma played in Borglin’s death. In addition, Dr. Bao developed his primary theory based on two incorrect facts provided by Jones. Therefore, we cannot conclude that there is a reasonable possibility that, but for counsel’s decision not to employ Dr. Bao, the outcome of Jones’s case would have been different. *See id.* Because there was no prejudice, we need not consider whether Jones’s counsel were deficient. *See id.* at 697.

As a final matter, we note that in this appeal Jones has raised claims that are precluded by our no-merit decision and/or are undeveloped. These include his claim that his plea was not knowingly, voluntarily, or intelligently entered, his claim that he is entitled to resentencing, and any additional claims not explicitly addressed in this opinion. “A matter once litigated may not

be relitigated in a subsequent postconviction proceeding no matter how artfully the defendant may rephrase the issue.” *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991). Moreover, we need not discuss undeveloped arguments. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992). We consequently decline to address these claims.

Upon the foregoing reasons,

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

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

Samuel A. Christensen
Clerk of Court of Appeals