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WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov

DISTRICT II

September 16, 2026

To:

Hon. Steven M. Cain
Circuit Court Judge
Electronic Notice

Angela Conrad Kachelski
Electronic Notice

Connie Mueller
Clerk of Circuit Court
Ozaukee County Justice Center
Electronic Notice

Jimmie A. Oliver #726090
Redgranite Correctional Institution
P.O. Box 925
Redgranite, WI 54970-0925

John Blimling
Electronic Notice

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

2025AP1970-CRNM	State of Wisconsin v. Jimmie A. Oliver (L.C. #2022CF262)
2025AP1971-CRNM	State of Wisconsin v. Jimmie A. Oliver (L.C. #2022CF271)

Before Lazar, P.J., Gundrum, and LoCoco, 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).

In these consolidated no-merit appeals, Jimmie A. Oliver appeals judgments of conviction, entered on his no-contest pleas, for second-degree sexual assault, maintaining a drug trafficking place, child sexual exploitation as party to a crime, and child enticement. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Oliver was advised of his right to file a response and

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

has not responded. After reviewing the records and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgments. *See* WIS. STAT. RULE 809.21.

Broadly, Victim A reported to police that Oliver both sold her drugs for money and exchanged drugs for sexual favors. One time, when Victim A refused to perform oral sex on Oliver, he held a knife to her neck, slapped her, and had vaginal intercourse with her without her consent. Police later executed a search warrant at Oliver's residence and found individually wrapped portions of marijuana, crack, and cocaine, as well as money, a scale, and a handgun. In Ozaukee County Circuit Court Case No. 2022CF262, the State charged Oliver with first-degree sexual assault, second-degree recklessly endangering safety, possession with intent to deliver THC, possession with intent to deliver cocaine, and maintaining a drug trafficking place.

Two days later, Victim S, who was seventeen years old, met with police. She advised that she knew Victim A and wanted to report that Oliver "did stuff" to her, too. Victim S reported that Oliver routinely sold her drugs for money and also exchanged drugs for sexual favors. Victim S described multiple occurrences where Oliver exchanged drugs for oral sex. Victim S also reported that Oliver's roommate would pay Oliver to watch Victim S perform oral sex on Oliver. On one occasion, Oliver's roommate bought drugs from Oliver for Victim S in exchange for allowing him to lick her armpits. The State charged Oliver and his roommate in Ozaukee County Circuit Court Case No. 2022CF271. As to Oliver, the State charged him with sexual exploitation of a child as party to a crime, child enticement, contributing to the delinquency of a child, and public fornication.

Pursuant to a global plea agreement, Oliver pled no contest to maintaining a drug trafficking place, child sexual exploitation as party to a crime, child enticement, and an amended charge of second-degree sexual assault. The State agreed to move to dismiss and read in the remaining charges as well as dismiss and read in six uncharged referrals for first-degree sexual assault, sexual activity with a child, repeated sexual assault of a child, and three referrals for child enticement. The State agreed to recommend a cumulative sentence of 41 years of initial confinement and 27 years of extended supervision. The circuit court sentenced Oliver to a cumulative sentence of 26 years of initial confinement and 17 years of extended supervision.² This no-merit appeal follows.

The no-merit report addresses potential issues of whether Oliver's pleas were knowingly, voluntarily, and intelligently entered and whether the circuit court properly exercised its discretion at sentencing.

With regard to the circuit court's plea colloquy, the record demonstrates the circuit court did not specifically advise Oliver, as required by *State v. Hampton*, 2004 WI 107, ¶38, 274 Wis.2d 379, 683 N.W.2d 14, that it was not bound by any sentencing recommendation and could impose up to the maximum sentence. However, any argument that Oliver should be permitted to seek plea withdrawal under *Hampton* lacks arguable merit because the court accepted the State's charging concessions under the agreement and the court's ultimate sentence

² Specifically, the circuit court sentenced Oliver to consecutive sentences of 20 years of initial confinement and 10 years of extended supervision on the second-degree-sexual-assault count, 1 year of initial confinement and 2 years of extended supervision on the maintaining-a-drug-trafficking-place count, and 5 years of initial confinement and 5 years of extended supervision on the child sexual exploitation count. The court also sentenced him to a concurrent sentence of 5 years of initial confinement and 5 years of extended supervision on the child enticement count.

was a downward departure from the sentence recommended by the State pursuant to the plea agreement. As such, Oliver was not affected by the defect in the plea colloquy and could not show that plea withdrawal would be “necessary to correct a manifest injustice,” which “occurs when there has been ‘a serious flaw in the fundamental integrity of the plea.’” See **State v. Cross**, 2010 WI 70, ¶42, 326 Wis. 2d 492, 786 N.W.2d 64 (citation omitted); see also **State v. Johnson**, 2012 WI App 21, ¶12, 339 Wis. 2d 421, 811 N.W.2d 411 (no manifest injustice justifying plea withdrawal exists where the court failed to advise defendant but followed the plea agreement).

The remainder of the court’s plea colloquy sufficiently complied with the requirements of **State v. Bangert**, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986), and WIS. STAT. § 971.08 relating to the nature of the charges, the rights Oliver was waiving, and other matters. The record shows no other ground to withdraw the pleas. We therefore agree with counsel’s analysis and conclusion that any challenge to the validity of Oliver’s pleas would lack arguable merit.

With regard to the circuit court’s sentencing discretion, our review of the record confirms that the court appropriately considered the relevant sentencing objectives and factors. See **State v. Odom**, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695; **State v. Ziegler**, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The resulting sentence was within the maximum authorized by law. See **State v. Scaccio**, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449. The sentence was 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). Therefore, there would be no arguable merit to a challenge to the court’s sentencing discretion.

Our independent review of the records discloses no other potential issues for appeal. This court accepts the no-merit report, affirms the judgments of conviction, and discharges appellate counsel of the obligation to represent Oliver further in these appeals.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Angela Conrad Kachelski is relieved of further representation of Jimmie A. Oliver in these appeals. *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