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DISTRICT II

December 26, 2018

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

2018AP1440-CRNM State of Wisconsin v. Jackson P. Vogel (L.C. #2016CF606)

Before Reilly, P.J., Gundrum and Hagedorn, 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).

Jackson P. Vogel appeals from a judgment of conviction for attempted first-degree intentional homicide. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16),¹ and *Anders v. California*, 386 U.S. 738 (1967). Vogel received a copy

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, the judgment is summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Vogel, age 16, attempted to kill his mother. He stabbed her multiple times with a knife, strangled her, and attempted to snap her neck. He was charged with attempted first-degree intentional homicide by use of a dangerous weapon, strangulation and suffocation, and false imprisonment. A competency evaluation and an evaluation to determine if Vogel could maintain a plea of not guilty by reason of mental disease or defect (NGI) were conducted. Vogel did not challenge the finding that he was competent to proceed and he withdrew his NGI plea. Vogel entered a guilty plea to attempted first-degree intentional homicide without the weapon enhancer and the other charges were dismissed as read-ins at sentencing. The prosecution agreed to make a sentencing recommendation of twenty-five years of initial confinement and was free to argue on the length of extended supervision. Vogel was sentenced to twenty years' initial confinement and twenty years' extended supervision.

By reciting in the no-merit report what occurred at each stage of the proceeding, appointed counsel demonstrates her review of the entire record. The no-merit report addresses the potential issues of whether Vogel's plea was knowingly, voluntarily, and intelligently entered and whether the sentence was the result of an erroneous exercise of discretion, unduly harsh or excessive, or based on inaccurate information. Our review of the record persuades us these potential issues have no arguable merit. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

Our review of the record discloses no other potential issues for appeal.² Accordingly, this court accepts the no-merit report, affirms the conviction and discharges appellate counsel of the obligation to represent Vogel further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Erica L. Bauer is relieved from further representing Jackson P. Vogel in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals

² Any other possible appellate issues from the proceedings before entry of the plea are waived because Vogel's no contest plea waived the right to raise nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.