OFFICE OF THE CLERK
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 I

June 10, 2025

To:

Hon. Rebecca A. Kiefer
Circuit Court Judge
Electronic Notice

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

John Blimling
Electronic Notice

Christina C. Starner
Electronic Notice

Jonathan J. Grissett 717396
Fox Lake Correctional Inst.
P.O. Box 147
Fox Lake, WI 53933

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

2024AP683-CRNM State of Wisconsin v. Jonathan J. Grissett (L.C. # 2022CF2114)
2024AP684-CRNM State of Wisconsin v. Jonathan J. Grissett (L.C. # 2022CF3596)

Before White, C.J., Geenen, and Colón, 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 matters, Jonathan J. Grissett appeals from judgments, entered on his guilty pleas, convicting him of aggravated battery, second-degree reckless injury, misdemeanor battery, and intimidation of a victim. Grissett's appellate counsel, Christina C. Starner, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)[1] and ***Anders v. California***, 386 U.S. 738 (1967). Grissett received a copy of the report, was advised of his right to file a

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

response, and did not do so. We have independently reviewed the records and the no-merit report as mandated by ***Anders***. We conclude that there is no issue of arguable merit that could be pursued on appeal. We therefore summarily affirm.

In Milwaukee County Circuit Court Case No. 2022CF2114, the State charged Grissett with six counts: two counts of aggravated battery; two counts of substantial battery; one count of second-degree reckless injury; and one count of misdemeanor battery. All of the counts included the dangerous weapon enhancer and domestic abuse assessments. The alleged victim was M.H., who was Grissett's girlfriend and the mother of his child. The complaint alleged that M.H. suffered numerous injuries, including multiple facial, nasal, and rib fractures, a punctured lung, and a lacerated kidney, after being assaulted by Grissett. M.H. told law enforcement that over the course of a few days, Grissett hit her with his fists, a broom stick, a dust pan, and a belt.

While Case No. 2022CF2114 was pending, the State charged Grissett in Milwaukee County Circuit Court Case No. 2022CF3596 with one count of felony intimidation of M.H. The State alleged that Grissett made telephone calls to his family members and to M.H. in an attempt to dissuade M.H. from testifying against him. Grissett filed a number of pretrial motions, including a motion to suppress the statements he made to police based on a ***Miranda*** violation.[2] He also sought to suppress evidence, which included a broken broom and a dust pan, obtained by the police after they entered his home without a warrant. The circuit court denied the suppression motions following an evidentiary hearing.

[2] *See* ***Miranda v. Arizona***, 384 U.S. 436 (1966).

The cases were consolidated for trial. Following jury selection, however, Grissett decided to plead guilty to aggravated battery (count one), second-degree reckless injury (count five), and misdemeanor battery (count six) in Case No. 2022CF2114. Grissett also pled guilty to the charge of intimidating a victim in Case No. 2022CF3596.

As part of the plea negotiations, the remaining charges in Case No. 2022CF2114 would be dismissed and read in for purposes of sentencing. The parties jointly recommended that the circuit court sentence Grissett to eight years of initial confinement. The negotiations left the parties free to argue as to the duration and terms of Grissett's extended supervision.

The circuit court accepted Grissett's pleas. In Case No. 2022CF2114, on counts one and five, the court sentenced Grissett to ten years of imprisonment, comprised of five years of initial confinement and five years of extended supervision, concurrent with each other but consecutive to a 248-day sentence on count six and consecutive to the sentence in Case No. 2022CF3596. In Case No. 2022CF3596, the court sentenced Grissett to eight years of imprisonment, comprised of three years of initial confinement and five years of extended supervision.

The no-merit report addresses the circuit court's denial of Grissett's suppression motions.[3] When reviewing a court's denial of a motion to suppress evidence, we uphold the circuit court's findings of facts unless they are clearly erroneous, but we review the circuit court's legal conclusions de novo. ***State v. Lonkoski***, 2013 WI 30, ¶21, 346 Wis. 2d 523, 828

[3] As a rule, a defendant who enters a knowing, intelligent, and voluntary guilty plea gives up all nonjurisdictional challenges to the conviction. ***State v. Kelty***, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886. An exception to this rule is codified in WIS. STAT. § 971.31(10), which permits a defendant who has pled guilty to challenge an order denying a motion to suppress evidence.

N.W.2d 552. Here, Grissett filed motions to suppress based on two grounds: (1) he was not provided ***Miranda*** warnings between the time of his arrest and his booking, consequently his statements to law enforcement should be inadmissible; and (2) the warrantless entry and search of his home was unlawful such that the evidence obtained by law enforcement should be suppressed.

As to the first alleged ground for suppression, ***Miranda*** warnings are required when a defendant is both "in custody" *and* is interrogated. ***Lonkoski***, 346 Wis. 2d 523, ¶¶23-24. After reviewing the body camera footage and listening to testimony of two police officers, the court found that even though Grissett was in custody, he was not interrogated. The court explained: "I can't stress how much [of the exchange] appeared to this [c]ourt, in my review, as all of these statements of Mr. Grissett being statements he continued to make of his own volition and unprompted by law enforcement officers." The court then went on to properly conclude that under the totality of the circumstances, there was no police interrogation. Even if in custody, when there is no interrogation and the arrestee volunteers inculpatory statements, ***Miranda*** warnings are not needed. ***Rhode Island v. Innis***, 446 U.S. 291, 299-300 (1980).

Regarding the warrantless entry to Grissett's home, the circuit court found that the entry was justified based on exigent circumstances. Exigent circumstances justifying a warrantless entry include: (1) a threat to the safety of a suspect or others; (2) a risk that evidence will be destroyed; and (3) a likelihood that suspects will flee. ***State v. Phillips***, 2009 WI App 179, ¶8, 322 Wis. 2d 576, 778 N.W.2d 157. The court made the following findings: Grissett was very agitated; Grissett's sister indicated that Grissett's four-year-old child was in the home with Grissett; the officers had information that Grissett had assaulted the child's mother, M.H., causing serious injuries; M.H. was concerned about the safety of the child; Grissett was not

responding to officers who were knocking and announcing their presence; and a responding officer was concerned that Grissett would use the child as a shield or barrier between him and law enforcement. Given the circumstances, the court found that an officer would reasonably believe that the delay in securing a warrant would gravely endanger life and the circumstances were not of the officers' making. Once inside the home, the court found that the evidence seized was in plain view. *See* ***State v. Edgeberg***, 188 Wis. 2d 339, 345, 524 N.W.2d 911 (Ct. App. 1994) (explaining that when objects fall within the plain view of an officer who is lawfully in a position to see them, the State may introduce those objects as evidence).

In ruling on the motions, the circuit court made detailed findings, and we agree with its legal conclusions. There is no arguable merit to further pursuit of Grissett's suppression issues.

Additionally, the no-merit report analyzes whether Grissett's pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of ***State v. Brown***, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charges, the rights Grissett was waiving, and other matters. The record shows no other ground to withdraw the pleas. There is no arguable merit to this issue.

The no-merit report also addresses Grissett's sentences, which fell within the legal maximums. As to discretionary issues, the standards for the circuit court and this court are well established and need not be repeated here. *See* ***State v. Gallion***, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the records discloses no other potential issues for appeal.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Christina C. Starner is relieved of further representation of Grissett 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