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**DISTRICT II**

March 18, 2026

To:

Hon. Samantha R. Bastil  
Circuit Court Judge  
Electronic Notice

Chris Koenig  
Clerk of Circuit Court  
Sheboygan County Courthouse  
Electronic Notice

John Blimling  
Electronic Notice

George Tauscheck  
Electronic Notice

Oshay Dionte Jackson #731655  
Waupun Correctional Institution  
P.O. Box 351  
Waupun, WI 53963-0351

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

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2025AP2352-CRNM      State of Wisconsin v. Oshay Dionte Jackson (L.C. #2023CF419)

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).**

Oshay Dionte Jackson appeals from a judgment, following a jury trial, convicting him of strangulation and suffocation, second-degree sexual assault with use of force, false imprisonment, battery, and criminal damage to property. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Jackson received a copy of the report, was advised of his right to file a response, and has

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

filed two responses. After reviewing the Record, counsel's report, and Jackson's responses, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

The State charged Jackson with strangulation and suffocation, second-degree sexual assault with use of force, false imprisonment, battery, and criminal damage to property. At trial, Diana<sup>2</sup> testified that she and Jackson had been in a relationship for three or four months, when she broke up with him. Jackson did not want to end their relationship. He tried kissing Diana and pulling off her clothes. He ultimately pulled down her shorts and ripped off her underwear. Diana tried to push Jackson off her, but Jackson put his finger and his tongue on her vagina.

Jackson then started choking her, and she could not breathe. Jackson "bent [her phone] in a crescent shape" against a door frame. Diana continued to fight Jackson. She explained that "at some point there was a pause in choking, to which he punched me in my face." Diana stated that she began spitting up blood, and Jackson stopped and left the bedroom.

While Jackson was gone, Diana tried to escape out the window. She was halfway out of the window when Jackson returned and pulled her back inside by her ankles. Jackson began to apologize, and Diana told him to leave, which he did. Diana's brother later brought her to the hospital. Hospital staff took pictures of Diana's injuries.

A police officer testified that he spoke with Diana at the hospital. He then made contact with Jackson and interviewed him. The jury watched portions of Jackson's recorded interviews.

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<sup>2</sup> Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we use a pseudonym when referring to the victim in this case.

During the interviews, Jackson admitted licking Diana's vagina, choking her, punching her, bending her cell phone, and pulling her back in from the window.

Jackson elected to testify. He testified that Diana invited him to take off her shorts and underwear. Jackson acknowledged that in the recorded interviews he admitted that he punched Diana, choked her, bent her phone, and pulled her in through the window. He stated that although he originally thought he made contact with her vagina, "I'm sure - - because I had time to think, I didn't." He testified he remembered making a fist, but he did not remember punching Diana. Jackson admitted that he grabbed Diana's neck but stated he "didn't apply any pressure." Jackson also stated that he did not grab her from the window to prevent her from leaving, rather he thought "it was stupid" that she was trying to climb out a window.

The jury convicted Jackson on all counts. The circuit court sentenced him to a time served sentence on the misdemeanor counts (criminal damage to property and battery). It sentenced him to consecutive sentences of ten years' initial confinement and fifteen years' extended supervision on the sexual assault count, two years' initial confinement and two years' extended supervision on the strangulation count, and two years' initial confinement and two years' extended supervision on the false imprisonment count. This no-merit appeal follows.

The no-merit report addresses whether the evidence at Jackson's jury trial was sufficient to support his convictions and whether the circuit court erroneously exercised its discretion at sentencing. Jackson's responses to the no-merit report assert that the evidence supporting his convictions was insufficient. He argues the evidence was insufficient because he did not touch Diana's vagina, did not use force, did not apply pressure to her neck, and did not prevent her

from leaving. We comment on both the sufficiency of the evidence and the court’s sentencing discretion.

When reviewing the sufficiency of the evidence, we may not substitute our judgment for that of the jury “unless the evidence, viewed most favorably to the state and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Our review of the trial transcript persuades us that the State produced ample evidence to convict Jackson of his crimes. That evidence included testimony from Diana, photographs of her injuries and ripped clothes, and videos of Jackson’s interviews with police.

Although at trial Jackson largely denied Diana’s allegations, “[i]t is exclusively within the trier of fact’s province to decide which evidence is worthy of belief, which is not, and to resolve any conflicts in the evidence.” *See State v. Below*, 2011 WI App 64, ¶4, 333 Wis. 2d 690, 799 N.W.2d 95. Here, it was the province of the jury to determine whether to believe Diana’s testimony or not. As evidenced by the guilty verdicts, the jury determined Diana was credible. The jury chose not to believe Jackson’s testimony. *See id.* We agree with counsel that a challenge to the sufficiency of the evidence would lack arguable merit.

The no-merit report also addresses whether the circuit court properly exercised its discretion at sentencing. The Record reveals that the court’s sentencing decision had a “rational and explainable basis.” *See State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (citation omitted). Moreover, the sentence imposed does not “shock public sentiment and violate the judgment of reasonable people concerning what is right and proper under the

circumstances.” *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We agree with counsel that a challenge to Jackson’s sentence would lack arguable merit.

Our independent review of the Record—including jury selection, jury instructions, and closing arguments—does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney George Tauscheck of further representation in this matter.

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 George Tauscheck is relieved from further representing Oshay Dionte Jackson in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*