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**DISTRICT III**

March 18, 2025

To:

Hon. Michael A. Schumacher  
Circuit Court Judge  
Electronic Notice

Cherie Norberg  
Clerk of Circuit Court  
Eau Claire County Courthouse  
Electronic Notice

Frederick A. Bechtold  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Jsonin J. Dilley 577645  
Stanley Correctional Inst.  
100 Corrections Dr.  
Stanley, WI 54768

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

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2024AP1937-CRNM	State of Wisconsin v. Jsonin J. Dilley
2024AP1938-CRNM	(L. C. Nos. 2021CF862, 2022CF48)

Before Stark, P.J., Hruz and Gill, 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 appeals, counsel for Jsonin J. Dilley has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24),<sup>1</sup> concluding that no grounds exist to challenge Dilley's convictions for possession with intent to deliver tetrahydrocannabinols (THC) (not more than 200 grams), possession with intent to deliver methamphetamine (more than ten but not more than fifty grams), and felony bail jumping, all counts as a repeater. Dilley was informed of his

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

right to file a response to the no-merit report, but he has not responded. Upon our independent review of the appellate records as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude that there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgments of conviction. *See* WIS. STAT. RULE 809.21.

In Eau Claire County case No. 2021CF862, the State charged Dilley with three counts, each as a repeater: driving or operating a vehicle without the owner’s consent; possession with intent to deliver THC (not more than 200 grams), as a second or subsequent offense; and possession of drug paraphernalia. The criminal complaint alleged that the police had stopped a vehicle that Dilley was driving, which had been reported stolen. During a search of the vehicle, officers located a backpack in the trunk that contained male clothing, “a mason jar containing smaller, separately-packaged bags of suspected marijuana” with an aggregate weight of thirty-five grams, and a digital scale. During a subsequent search of Dilley’s person, an officer located \$175 in cash.

Dilley was released on a signature bond in case No. 2021CF862, which required him not to commit any crimes. Thereafter, police were conducting surveillance on a residence in the City of Eau Claire when they saw Dilley and another individual leave that residence and get into a vehicle driven by a third person. The officers were aware that both Dilley and the second individual had active arrest warrants through the Department of Corrections. Consequently, the officers stopped the vehicle and placed Dilley and the second individual under arrest. During a search incident to arrest, an officer found the following items in Dilley’s jacket: three gem baggies containing a white crystalline substance with an aggregate weight of 12.01 grams that field-tested positive for methamphetamine; two gem baggies containing green leafy material with an aggregate weight of 10.3 grams that field-tested positive for THC; a gem baggie

containing a tan-colored substance that weighed 0.69 grams and field-tested positive for heroin; eight Suboxone strips; and ten 0.5 mg Alprazolam pills.

Based on these events, the State charged Dilley with five offenses in Eau Claire County case No. 2022CF48, each as a repeater: possession with intent to deliver methamphetamine (more than ten but not more than fifty grams), as a second or subsequent offense; possession of narcotic drugs, as a second or subsequent offense; possession of THC, as a second or subsequent offense; felony bail jumping; and possession of a controlled substance.

Dilley ultimately resolved both of his Eau Claire County cases, pursuant to a plea agreement. In case No. 2021CF862, Dilley agreed to enter a no-contest plea to possession with intent to deliver THC (not more than 200 grams), as a second or subsequent offense and as a repeater. In case No. 2022CF48, Dilley agreed to plead no contest to possession with intent to deliver methamphetamine (more than ten but not more than fifty grams), as a second or subsequent offense, and felony bail jumping, both counts as a repeater. In exchange for Dilley's pleas, the parties agreed that the remaining counts in both cases would be dismissed and read in. The plea agreement further provided that the parties would jointly request a presentence investigation report (PSI) and that both sides would be free to argue at sentencing, except that if the PSI did not recommend a prison term, the State would not recommend a prison term. In addition, the parties agreed that the \$175 that had been seized as evidence in case No. 2021CF862 would be forfeited to the West Central Drug Task Force.

Following a plea colloquy, supplemented by a plea questionnaire and waiver of rights form, the circuit court accepted Dilley's no-contest pleas, finding that they were freely and voluntarily entered "with the full understanding of the nature of the charge[s], the maximum

penalties, and the rights given up.” Dilley conceded that the State would be able to present sufficient evidence at trial to permit a jury to find him guilty of the charges to which he had pled, and the circuit court found that there was an adequate factual basis for Dilley’s pleas.

At the beginning of Dilley’s sentencing hearing, the State drew the circuit court’s attention to this court’s decision in *State v. Hailes*, 2023 WI App 29, 408 Wis. 2d 465, 992 N.W.2d 835, *review denied*, 2024 WI 4, 5 N.W.3d 597, which had been released after Dilley entered his no-contest pleas. In *Hailes*, we held that the repeater enhancer and the second or subsequent offense enhancer cannot both apply when calculating a defendant’s maximum term of imprisonment. *Id.*, ¶¶1-2. Based on our holding in *Hailes*, the State moved to strike the second or subsequent offense enhancers from the possession with intent to deliver THC charge in case No. 2021CF862 and the possession with intent to deliver methamphetamine charge in case No. 2022CF48. Dilley’s attorney confirmed that he did not object to the court striking those enhancers, and the court granted the State’s motion.

The circuit court then engaged in a colloquy with Dilley to confirm that he understood the effects of the State striking the second or subsequent offense enhancers. Dilley confirmed that he understood and further confirmed that, despite this new development, he did not wish to withdraw his no-contest pleas. The court then asked the PSI author whether the striking of the second or subsequent offense enhancers would have affected her sentence recommendations.

The PSI author responded that she did not consider the second or subsequent offense enhancers when making her recommendations.<sup>2</sup>

The parties then made their sentence recommendations, and Dilley exercised his right of allocution. During its sentencing remarks, the circuit court identified the protection of the community, punishment, and rehabilitation as its primary sentencing objectives. *See State v. Gallion*, 2004 WI 42, ¶¶40-41, 270 Wis. 2d 535, 678 N.W.2d 197. After considering Dilley's lengthy criminal record, his past failures on supervision, his history of drug addiction, positive aspects of Dilley's character, and Dilley's expressions of remorse, the court imposed concurrent sentences totaling nine years' initial confinement followed by eight years' extended supervision. The court stated that Dilley would be eligible for the Challenge Incarceration and Substance Abuse Programs. In addition, the court awarded Dilley twenty-three days of sentence credit in case No. 2021CF862 and 144 days of credit in case No. 2022CF48.

The no-merit report addresses: (1) whether Dilley's no-contest pleas were knowing, intelligent, and voluntary, including whether there would be arguable merit to a claim for plea withdrawal on the grounds that Dilley's trial attorney was ineffective by failing to file a suppression motion; and (2) whether there are any arguable grounds to challenge Dilley's sentences. We agree with counsel's description, analysis, and conclusion that these potential issues lack arguable merit, and we therefore do not address them further.

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<sup>2</sup> The PSI recommended a sentence of one to one and one-half years' initial confinement followed by two years' extended supervision on the charge of possession with intent to deliver THC. The PSI recommended a sentence of eight to fifteen years' initial confinement followed by four years' extended supervision on the charge of possession with intent to deliver methamphetamine. The PSI's recommendations on those charges did not exceed the base maximum penalties for those offenses, absent the application of any enhancers. *See* WIS. STAT. §§ 961.41(1m)(e)3., (h)1.; 939.50(3)(d), (i).

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Frederick A. Bechtold is relieved of further representation of Jason J. Dilley in these matters. *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*