



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

May 13, 2025

To:

Hon. David L. Borowski
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

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

Jessie J. Bounds 709982
Wisconsin Secure Program Facility
P.O. Box 1000
Boscobel, WI 53805-1000

Pamela Moorshead
Electronic Notice

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

2023AP1977-CRNM State of Wisconsin v. Jessie J. Bounds (L.C. # 2021CF3066)

Before White, C.J., Donald, P.J., and Geenen, J.

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).

Jessie J. Bounds appeals a judgment of conviction entered after he pled guilty to one count of first-degree reckless homicide as a party to a crime and one count of first-degree reckless injury. Bounds's appellate counsel, Attorney Pamela Moorshead, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).¹ Bounds filed a response, and Attorney Moorshead filed a supplemental no-merit report in reply.

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

Upon consideration of the no-merit reports, the response, and an independent review of the record as mandated by *Anders*, we conclude that no arguably meritorious issues exist for an appeal.² Therefore, we summarily affirm. *See* WIS. STAT. RULE 809.21.

The State alleged in an amended criminal complaint that on July 22, 2021, a police officer was monitoring a crowd near the 100 block of East Juneau Avenue in Milwaukee when the officer heard gunshots and saw a man with a gun in an alley entrance. The officer then observed the man fire the gun approximately five more times. Police pursued and arrested the gunman, who was subsequently identified as Bounds. A.H.M., who had sustained multiple gunshot wounds, was rushed from the scene to the hospital. He told police that he was riding his scooter when he heard gunshots and then realized that he had been shot. Police found ten .40 caliber gun casings in the alley where the shooting occurred. The amended complaint noted that surveillance video recorded virtually the entire incident, from the shooting to the gunman's apprehension.

The State further alleged that on March 27, 2021, a police officer responded to a report of an intrusion into a home on Fairmount Avenue in Milwaukee. The officer found T.L.P. "frantic" outside the home. D.M.F., who had apparently been shot, was dead inside the home. An autopsy revealed that D.M.F.'s death was a homicide caused by five gunshot wounds. T.L.P. told police that she lived in the home with her two teenage children. Late that night, the family heard a noise, and T.L.P. hid with her children while her boyfriend, D.M.F., went to investigate.

² Bounds's response to the no-merit report is thirty-six single-spaced pages, exclusive of the accompanying ninety-page appendix. The rules of appellate procedure provide that a response prepared with a monospaced font may not exceed fifty double-spaced pages. *See* WIS. STAT. RULE 809.32(1)(e), 809.19(8)(b)(1)b. Although Bounds's response exceeds the statutory limit, we have considered the response in its entirety.

T.L.P. then heard at least two people yelling “where is the shit,” followed by gunshots. Her children fled through a window while she called 911. A ballistics technician subsequently determined that casings found at the Fairmount Avenue homicide scene on March 27, 2021, matched the bullets found on July 22, 2021, in the alley near Juneau Avenue.

The amended complaint also included allegations that while Bounds was in jail following his arrest on July 22, 2021, he had a recorded telephone conversation with two people. During the conversation, Bounds said that he had “pulled the trigger,” and when a woman on the call asked him for further information he responded: “it happened in March but on Friday I had shot at somebody with the same gun so they kind of got me and the murder weapon.”

Based on the events of March 27, 2021, the State charged Bounds with first-degree reckless homicide by use of a dangerous weapon and armed burglary, both counts as a party to a crime. Based on the events of July 22, 2021, the State charged Bounds with first-degree reckless injury by use of a dangerous weapon.

Bounds decided to resolve the three charges with a plea agreement. Pursuant to its terms, he pled guilty to first-degree reckless homicide as a party to a crime and to first-degree reckless injury. The State agreed to recommend “substantial prison” as the aggregate penalty without specifying a recommended term of imprisonment. The State also moved for outright dismissal of both the armed burglary charge and the allegations that Bounds committed his crimes while armed with a dangerous weapon. The circuit court accepted Bounds’s guilty pleas and granted the State’s motion to dismiss the remaining charges without reading them in.

At sentencing, Bounds faced a sixty-year term of imprisonment for first-degree reckless homicide as a party to a crime. *See* WIS. STAT. §§ 940.02(1), 939.50(3)(b), 939.05 (2021-22).

The circuit court imposed a thirty-year term of imprisonment, bifurcated as twenty years of initial confinement and ten years of extended supervision. Bounds faced a twenty-five-year term of imprisonment and a \$100,000 fine for first-degree reckless injury. *See* WIS. STAT. §§ 940.23(1)(a), 939.50(3)(d) (2021-22). The circuit court imposed a consecutive fifteen-year term of imprisonment, bifurcated as ten years of initial confinement and five years of extended supervision. Bounds stipulated to restitution in the amount of \$8,972, which the circuit court imposed, and the circuit court granted Bounds the 326 days of sentence credit that he requested.³

In the no-merit report, appellate counsel examines whether Bounds could mount an arguably meritorious claim for plea withdrawal on the ground that his guilty pleas were not knowing, intelligent, and voluntary. *See State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). We agree with appellate counsel that Bounds could not pursue such a claim.

The circuit court established during the plea hearing that Bounds was twenty years old and had a ninth-grade education. The court also established that Bounds had signed a plea questionnaire and waiver of rights form and that he understood the contents of the form and its attachments. *See State v. Pegeese*, 2019 WI 60, ¶37, 387 Wis. 2d 119, 928 N.W.2d 590. The court then conducted a colloquy with Bounds that complied with the court's obligations when

³ Bounds did not explain his basis for requesting 326 days of sentence credit. This court observes that Bounds was arrested on July 22, 2021, at the scene of the reckless injury offense, and he remained in custody until his sentencing on May 13, 2022. That presentence period spans 295 days. *See State ex rel. Shimkus v. Sondalle*, 2000 WI App 262, ¶13, 240 Wis. 2d 310, 622 N.W.2d 763 (reflecting that we may take judicial notice of the calendar); *see also* <http://www.timeanddate.com/date/duration.html>. The sentence credit award thus appears excessive. *See* WIS. STAT. § 973.155(1); *State v. Boettcher*, 144 Wis. 2d 86, 87, 423 N.W.2d 533 (1988). We see no basis, however, on which Bounds could mount an arguably meritorious claim that he is aggrieved by that award. *See* WIS. STAT. RULE 809.10(4) (providing that an appeal from a final judgment brings before the court all prior nonfinal orders and rulings that are adverse to the appellant). Accordingly, we do not further discuss this issue.

accepting a plea other than not guilty. *See id.*, ¶23; *see also* WIS. STAT. § 971.08. The record—including the plea questionnaire and waiver of rights form and addendum; the attached jury instructions that Bounds initialed describing the elements of the crimes to which he pled guilty; and the plea hearing transcript—shows that Bounds entered his guilty pleas knowingly, intelligently, and voluntarily. Further pursuit of this issue would lack arguable merit.

The no-merit report also includes appellate counsel’s discussion of whether Bounds could pursue an arguably meritorious challenge to his sentences. We agree with appellate counsel’s conclusion that he could not do so. Bounds devotes many pages of his response to an explanation of why he believes that he should receive more lenient sentences, and we will therefore discuss the sentencing in some detail.

Sentencing lies within the circuit court’s discretion, and our review is limited to determining if the circuit court erroneously exercised its discretion. *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. The circuit court must “specify the objectives of the sentence on the record.” *Id.*, ¶40. In seeking to fulfill the sentencing objectives, the circuit court must consider the primary sentencing factors of “the gravity of the offense, the character of the defendant, and the need to protect the public.” *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The circuit court may also consider a wide range of other factors concerning the defendant, the offense, and the community. *See id.* The circuit court has discretion to determine both the factors that it believes are relevant to sentencing and the weight to assign to each relevant factor. *State v. Stenzel*, 2004 WI App 181, ¶16, 276 Wis. 2d 224, 688 N.W.2d 20.

The circuit court indicated here that public protection and punishment were the primary sentencing goals, *see Gallion*, 270 Wis. 2d 535, ¶40, and the court discussed the factors that it viewed as relevant to achieving those goals. The court found that Bounds's crimes were serious and "extremely aggravated." The court emphasized the blamelessness of the homicide victim, the effect of the homicide on the children who were present, and the level of violence that Bounds displayed when committing the homicide. The court particularly noted Bounds's admission that he only stopped shooting into the body of the homicide victim because the gun jammed. As to the reckless injury, the court found that the victim and his companion were riding scooters and "minding their own business." According to Bounds, the victim moved his hand and "looked at" Bounds. The court was appalled that Bounds responded with gunfire. Further, the court found that the offense was particularly serious because it occurred on the day of the Milwaukee Bucks championship celebration and crowds of people were in the area.

The circuit court considered Bounds's character. The court acknowledged the positive factors that Bounds had no prior adult or juvenile record, and the court gave Bounds credit for accepting responsibility and resolving the charges promptly. The court also found that Bounds was genuinely remorseful. The court further found, however, that Bounds had not demonstrated day-to-day pro-social activity: he "didn't go to school. [He] didn't graduate. [He] didn't get a job." Additionally, the court noted Bounds's use of drugs from a young age and the escalating nature of his drug use, from smoking marijuana at fourteen years old to taking MDMA (ecstasy) pills throughout the day by the time that he was seventeen.

Turning to the need to protect the public, the circuit court found that Bounds was "an extreme danger." The court emphasized that the victim of the reckless injury was "scooting away" when Bounds pursued the victim and fired multiple shots in his direction. The court also

considered the brazenness of committing the offense in view of citizens and police. As to the homicide, the court found that the victim was trying to protect himself and his loved ones when Bounds fired as many shots as he could into the victim's body. Moreover, the court was troubled by Bounds's refusal to reveal the identity of the co-actor who accompanied Bounds during the home invasion that preceded the homicide. The court observed that "at a minimum" Bounds was "covering for someone" who participated in a burglary and who might pose an ongoing threat to public safety.

The circuit court stated that it had considered the presentence investigation report (PSI), which discussed the wishes of some of the victims' family members. D.M.F.'s twin brother told the PSI's author that he wished Bounds could receive a "lethal injection," and D.M.F.'s uncle believed that Bounds should be "locked behind bars for the rest of his life." The court then explained that, notwithstanding the gravity of the offenses and the agony of the victims' families, "it's not a maximum case" in light of Bounds's youth, his potential for rehabilitation, and his decision to accept responsibility. At the same time, the court concluded that Bounds posed a "very very high risk, as he sits here today, to reoffend," and that he would continue to pose such a risk for many years.

The circuit court identified the factors that it considered in fashioning an appropriate sentence. The factors were proper and relevant. *See id.*, ¶¶41-43 & n.11. Moreover, the aggregate forty-five-year term of imprisonment that the court imposed was significantly less than the aggregate eighty-five years of imprisonment and the \$100,000 fine that Bounds faced upon conviction of the offenses at issue here. Bounds therefore cannot pursue an arguably meritorious claim that his sentences in this case are excessive or shocking. *See State v. Mursal*, 2013 WI App 125, ¶26, 351 Wis. 2d 180, 839 N.W.2d 173.

Bounds explains at length in his response to the no-merit report why he believes that the circuit court’s sentencing remarks provide grounds for relief. His substantive assertions are primarily claims that the court erroneously exercised its sentencing discretion. The record shows that such claims lack arguable merit. The court was not required to adopt Bounds’s view of his crimes as isolated “mistakes,” or to accept his view of himself as “not a murderer” and suitable for return to the community in fifteen years. The court instead could conclude that Bounds’s repeated acts of violence, including “kill[ing] someone,” showed that he was dangerous and would remain so until he received thirty years of rehabilitative services in a locked and secure environment. A sentencing court may draw reasonable inferences from the available information when assessing the defendant’s character and conduct. *See Gallion*, 270 Wis. 2d 535, ¶19. That is the essence of sentencing discretion. *Id.*

Bounds also asserts that he can pursue arguably meritorious claims of subjective and objective judicial bias. A judge is subjectively biased when the judge believes that he or she cannot act impartially. Because the judge in this case did not disqualify himself, however, we presume that the judge did not question his own impartiality, and the inquiry into subjective bias ends. *See State v. McBride*, 187 Wis. 2d 409, 415, 523 N.W.2d 106 (Ct. App. 1994). Accordingly, there is no arguable merit to a claim of subjective bias.

A judge is objectively biased when the “judge in fact treated the defendant unfairly[,]” or “when a reasonable person could question the court’s impartiality based on the court’s statements.” *State v. Goodson*, 2009 WI App 107, ¶9, 320 Wis. 2d 166, 771 N.W.2d 385 (citation and brackets omitted). Here, the sentences that the circuit court imposed were well within the limits allowed by law and do not reflect unfair treatment. Moreover, the court’s remarks were fair and do not suggest prejudice or partiality. Bounds expresses particular

concern because he believes that the court described him as “purely evil,” but he misreads the record. The court assessed his conduct, not his soul, stating that “the defendant in purely evil, violent fashion fired multiple shots in both these cases.” Assessing the gravity of the defendant’s conduct is an essential component of the exercise of sentencing discretion. *Ziegler*, 289 Wis. 2d 594, ¶23. We conclude that a claim of objective judicial bias would lack arguable merit.

We have additionally considered whether, as Bounds contends, he could pursue an arguably meritorious claim that the circuit court sentenced him on inaccurate information. To establish a denial of the right to be sentenced on the basis of accurate information, a defendant must show that the circuit court actually relied on inaccurate information when imposing sentence. *State v. Tiepelman*, 2006 WI 66, ¶26, 291 Wis. 2d 179, 717 N.W.2d 1. Here, Bounds complains because the court stated that he shot A.H.M. in response to a “look.” Bounds emphasizes that he began shooting on July 22, 2021, not only in response to a “look” but also in response to a gesture that Bounds interpreted as “reaching” and apparently threatening. This information was in the PSI, and the sentencing transcript reflects that the State and Bounds both reminded the court of this information during the sentencing hearing. The court was not required to weave into its sentencing remarks all of the information provided. Rather, the court had discretion to determine the facts that were relevant to the sentencing decision and the weight to assign to them. *Stenzel*, 276 Wis. 2d 224, ¶16. Further pursuit of Bounds’s claim would lack arguable merit.

Bounds next contends that he has an arguably meritorious claim that his trial counsel was ineffective. To prevail on a claim of ineffective assistance of counsel, a defendant must show both that counsel’s performance was deficient and that the deficiency prejudiced the defense. *Strickland v. Washington*, 466 U.S. 668, 687 (1984).

Bounds asserts here that his trial counsel was ineffective for failing to insist that Bounds watch a surveillance video of the July 22, 2021 crime scene. Bounds acknowledges that his trial counsel offered to play the video for him, and Bounds admits that he refused to watch it. Bounds argues that his trial counsel performed deficiently because she did not intuit the precise words that would have overcome his resistance to watching the video. To prove ineffective assistance of counsel, however, a defendant must show that counsel's performance was unreasonable, and "[t]he reasonableness of counsel's actions may be determined or substantially influenced by the defendant's own statements or actions." *Id.* at 691. Nothing before us demonstrates that Bounds can mount an arguably meritorious claim that his trial counsel performed unreasonably in the face of Bounds's confessed resistance to trial counsel's efforts to show him the video.

Relatedly, Bounds asserts that his trial counsel was ineffective for recommending that he accept a plea agreement rather than proceed to trial on the charge of first-degree reckless injury while armed. According to Bounds, he was unaware at the time of his pleas that any information existed to support a claim of self-defense, but he subsequently concluded that the video that he had declined to watch showed that A.H.M.'s companion was carrying a concealed gun on July 22, 2021. Bounds maintains that evidence of the alleged concealed gun would have supported a claim that he acted in self-defense and permitted him to defeat the charge of first-degree reckless injury while armed.

Bounds, however, faced three charges, not one, and neither his response to the no-merit report nor the record suggests that he had any defense to the charges of armed burglary and first-degree reckless homicide by use of a dangerous weapon. Nonetheless, the plea agreement that his trial counsel negotiated resulted in outright dismissal of the armed burglary charge and all of the penalty enhancers. The agreement also included the State's promise not to make a specific

sentencing recommendation. Assuming without deciding that Bounds could have mustered a colorable defense to the charge of first-degree reckless injury while armed, nothing presented to this court demonstrates that his trial counsel performed deficiently by recommending that he accept a plea agreement that resolved all of the pending charges.⁴ We observe that “a lawyer has the right and duty to recommend a plea bargain if he or she feels it is in the best interests of the accused.” *State v. Provo*, 2004 WI App 97, ¶17, 272 Wis. 2d 837, 681 N.W.2d 272. Further pursuit of this issue would be frivolous within the meaning of *Anders*.

Bounds also asserts that his current appellate counsel is ineffective. Bounds cannot raise such a claim in the instant proceeding. *State v. Balliette*, 2011 WI 79, ¶32, 336 Wis. 2d 358, 805 N.W.2d 334. Accordingly, we will not discuss the issue.

We conclude that nothing before us supports an arguably meritorious claim for postconviction or appellate relief. To the extent that we have not discussed a specific issue or allegation that Bounds has proposed as grounds for further litigation, we are satisfied that appellate counsel adequately addressed the matter in her submissions, or the contention is not sufficiently significant to warrant further discussion by this court, or both.

Therefore,

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

⁴ We need not discuss here whether information that Bounds did not know at the time that he committed first-degree reckless injury while armed could have supported a viable claim of self-defense to that charge. *Cf. McMorris v. State*, 58 Wis. 2d 144, 151, 205 N.W.2d 559 (1973) (holding that a defendant claiming self-defense may show that “he knew of specific prior instances of violence on the part of the victim”).

IT IS FURTHER ORDERED that Attorney Pamela Moorshead is relieved of any further representation of Jessie J. Bounds on appeal. *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