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DISTRICT II

May 28, 2025

To:

Hon. John A. Jorgensen
Circuit Court Judge
Electronic Notice

Eliot M. Held
Electronic Notice

Desiree Bongers
Clerk of Circuit Court
Winnebago County Courthouse
Electronic Notice

Jason L. Edmonson #530994
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2024AP1050

State of Wisconsin v. Jason L. Edmonson (L.C. #2006CF699)

Before Gundrum, P.J., Neubauer, and Grogan, 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).

Jason Edmonson appeals from an order of the circuit court denying his petition for a writ of coram nobis. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ For the following reasons, we affirm.

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

Background

In 2007, a jury found Edmonson guilty of battery and false imprisonment. The circuit court sentenced him to nine months on the battery conviction but vacated the false imprisonment conviction. The State appealed, and we reversed the decision of the circuit court. Edmonson subsequently was sentenced on the false imprisonment conviction to nine months in the county jail, concurrent with any other sentence.

On May 13, 2024, Edmonson filed the instant action, which he titled “Petition for Writ of Error Coram Nobis,” claiming that prior to his 2007 jury trial, he was “never informed of his right to waive a jury trial [or of his] right to self-representation.” The circuit court denied his petition, and he appeals.

Discussion

“The writ of *coram nobis* is a discretionary writ of ‘very limited scope’ that is ‘addressed to the [circuit] court.’” *State ex rel. Patel v. State*, 2012 WI App 117, ¶12, 344 Wis. 2d 405, 824 N.W.2d 862 (quoting *Jessen v. State*, 95 Wis. 2d 207, 213, 290 N.W.2d 685 (1980)). The writ “empowers the [circuit] court to correct its own record.” *State v. Heimermann*, 205 Wis. 2d 376, 381-82, 556 N.W.2d 756 (Ct. App. 1996). To prevail on the writ, a petitioner must show, inter alia, “the existence of an error of fact which was unknown at the time of trial and which is of such a nature that knowledge of its existence at the time of trial would have prevented the entry of judgment.” *Id.* at 382-83 (quoting *Jessen*, 95 Wis. 2d at 214).

Edmonson asserts that the “error of fact” at issue is that the circuit court never informed him of his “right to waive jury trial” and “pursue a bench trial” or that he “could represent

himself.” Edmonson’s appeal immediately falls flat for a straightforward reason. The success of the writ depends on Edmonson showing that there is an “error of fact which was unknown at the time of trial,” but he has failed to make such a showing, as he provides no reason to believe it was not known that the court had in fact failed to inform him of these two points. *See Heimermann*, 205 Wis. 2d at 383 (citation omitted). Moreover, if the court failed to inform him of these two points, that is not an “error of fact”; instead, as Edmonson recognizes at one point, such failure *is* the fact.² *See id.* An error of fact would be believing that the court did inform him of these two points but the truth later reveals that it did not. That is not the case here.

IT IS ORDERED that the order of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

Samuel A. Christensen
Clerk of Court of Appeals

² In addition, the writ of coram nobis “does not lie to correct errors of law and of fact appearing on the record since such errors are traditionally corrected by appeals and writs of error.” *Jessen v. State*, 95 Wis. 2d 207, 214, 290 N.W.2d 685 (1980). Here, the circuit court’s failure to adequately inform Edmonson would appear on the record.