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DISTRICT III

March 31, 2015

To:

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

2014AP511-CRNM State v. Joe L. Wilson, Jr. (L. C. No. 2013CF90)

Before Hoover, P.J., Stark and Hruz, JJ.

Counsel for Joe Wilson has filed a no-merit report concluding no grounds exist to challenge Wilson's convictions for armed robbery with threat of force and possession of a firearm by an adjudged delinquent,¹ both as parties to a crime. Wilson was advised of his right to respond and has not responded. Upon our independent review of the record as mandated by

¹ Wilson was found delinquent of a felony for physical abuse of a child on October 7, 2007. Wilson received the required firearms prohibition notice as a result of that delinquency determination.

Anders v. California 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal and summarily affirm.

Police were notified that three or four males had entered a residence, displayed a handgun, butcher knives, and a baseball bat, and demanded the occupants empty their pockets. The robbers also took personal possessions from various rooms. Wilson was identified as one of the robbers by a codefendant and others, and a PlayStation game console taken during the robbery and a bandana worn in the robbery were subsequently found in Wilson's residence.

Wilson entered a no contest plea and the circuit court imposed seven years' initial confinement and nine years' extended supervision on the armed robbery count; and four years' initial confinement and two years' extended supervision on the firearm possession count, concurrently.

There is no manifest injustice upon which Wilson could withdraw his pleas. *See State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The court's colloquy, together with the plea questionnaire and waiver of rights form, informed Wilson of the constitutional rights he waived by pleading no contest, the elements of the offenses, the potential penalties, and deportation consequences. The court advised Wilson of the maximum penalties and that it was not bound by the parties' recommendations. Wilson acknowledged an adequate factual basis supported the convictions. The record shows the pleas were knowingly, intelligently and voluntarily entered. *See State v. Bangert*, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). Entry of a valid no contest plea constitutes a waiver of nonjurisdictional defects and defenses. *Id.* at 265-66.

The record also discloses no basis to challenge the court’s sentencing discretion. The court considered the proper sentencing factors, including Wilson’s character, the seriousness of the offenses and the need to protect the public. *See State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The court emphasized the “extremely serious” nature of the offenses and that Wilson and his compatriots “had this plan in mind for some period of time” The court also emphasized the calculated nature of “the arming of oneself not just with a gun but with a couple of knives and a baseball bat” and the fact that the perpetrators took pains to disguise themselves. The court also noted Wilson’s “involvement in significant and serious unlawful behavior is not a new thing” The sentence imposed was much less than the fifty-year maximum allowable by law and not unduly harsh or excessive. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Our independent review of the record discloses no other potential issues for appeal. Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21 (2013-14).

IT IS FURTHER ORDERED that attorney Roberta Heckes is relieved of further representing Wilson in this matter.

Diane M. Fremgen
Clerk of Court of Appeals