**COURT OF APPEALS**
**DECISION**
**DATED AND RELEASED**

JULY 2, 1996



**No. 96-0101-CR**

**STATE OF WISCONSIN** **IN COURT OF APPEALS**
**DISTRICT III**

**STATE OF WISCONSIN,**

**Plaintiff-Respondent,**

**v.**

**WILLIAM P. BIGBOY,**

**Defendant-Appellant.**

APPEAL from a judgment and an order of the circuit court for Marathon County: VINCENT K. HOWARD, Judge. *Affirmed*.

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. William Bigboy appeals a judgment convicting him of first-degree sexual assault of a child and an order denying his motion to withdraw his guilty plea. The complaint initially charged Bigboy with two counts of sexual assault. Pursuant to a plea agreement, the State dropped one count in return for his guilty plea to the other count. Bigboy argues that he did not understand the elements of the offense and the maximum sentence. He also argues that his plea was involuntary and unknowing because he was not informed that it might make him subject to classification as a sexual predator

under ch. 980, STATS. We reject these arguments and affirm the judgment and order.

The record establishes that Bigboy was informed of the elements of the offense. Bigboy signed a "Plea Advisement & Waiver of Rights" form and initialed a sentence describing the elements of the offense as "initially have sexual intercourse (which includes fellatio) with a person under 13 years old." The trial court properly referred to this form during the plea colloquy. *See* ***State v. Moederndorfer***, 141 Wis.2d 823, 826-28, 416 N.W.2d 627, 629-30 (Ct. App. 1987). Bigboy's attorney also confirmed that he reviewed the form with Bigboy and discussed it with him so that he was confident Bigboy understood it. The trial court properly concluded that Bigboy did not make a prima facia case that he did not understand the elements of the offense.

The plea advisement form also stated that Bigboy faced forty years in prison. Bigboy argues that he was confused as to the maximum sentence, but did not testify to that effect at the postconviction hearing. In addition, the complaint correctly stated the maximum sentence of forty years for each of the two initial charges. The form Bigboy signed when he waived the preliminary hearing listed the maximum penalty for the two counts as eighty years. Bigboy was adequately and repeatedly informed that his guilty plea to one count of sexual assault subjected him to a forty-year sentence.

The trial court was not required to inform Bigboy of his potential classification as a sexual predator before accepting his plea. Classification as a predator under ch. 980, STATS., is a collateral consequence of conviction. *See* ***State v. Myers***, 199 Wis.2d 391, 394, 544 N.W.2d 609, 610 (Ct. App. 1996). A defendant does not need to be informed of the collateral consequences of a guilty plea. ***Id***.

*By the Court.*—Judgment and order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.