**COURT OF APPEALS**
**DECISION**
**DATED AND FILED**

May 27, 1999

**Marilyn L. Graves**
**Clerk, Court of Appeals**
**of Wisconsin**

**NOTICE**

**This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.**

**A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. *See* § 808.10 and RULE 809.62, STATS.**

**No. 99-0354-CR-NM**

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

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**TRAVIS JOE ADAMS,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment of the circuit court for Dane County: SARAH B. O'BRIEN, Judge. *Affirmed.*

Before Dykman, P.J., Eich and Deininger, JJ.

PER CURIAM. Counsel for Travis Joe Adams has filed a no merit report pursuant to RULE 809.32, STATS. Adams has not responded to the report. Upon our independent review of the record 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. We therefore affirm.

Adams and an accomplice stole a car with two children in the back seat and later led police on a high-speed chase. Upon arrest, the State charged Adams with vehicle theft, cocaine possession, two counts of recklessly endangering safety and eluding an officer, all counts as a repeater. Adams entered a no contest plea to three of the charges, and the State dismissed the other two counts in exchange for the plea. The court accepted the plea and sentenced Adams to consecutive prison sentences totaling fifteen years.

Adams cannot succeed on a motion to withdraw his plea because he knowingly and voluntarily pled no contest. Before accepting the plea, the court established that Adams understood and waived his rights to a jury trial, confrontation and protection against self-incrimination. The court adequately informed Adams of the elements of the crimes charged and the potential punishments. The court also properly inquired as to Adams' ability to understand the proceedings, and the record independently establishes that he understood the proceedings. The State did not improperly induce Adams to plead no contest, and Adams exercised his free will in accepting the plea bargain. Finally, the court determined that an adequate factual basis existed for the charges. The court therefore complied with the requirements set forth in ***State v. Bangert***, 131 Wis.2d 246, 260-62, 389 N.W.2d 12, 20-21 (1986), to insure a knowing and voluntary plea.

The trial court properly exercised its sentencing discretion. The trial court properly exercises that discretion if the sentence is not excessive and the court relies on proper factors. *See* ***Ocanas v. State***, 70 Wis.2d 179, 185, 233 N.W.2d 457, 461 (1975). We presume that the trial court acted properly in sentencing the defendant, and the burden is on the defendant to prove otherwise. ***State v. Krueger***, 119 Wis.2d 327, 336, 351 N.W.2d 738, 743 (Ct. App. 1984). In

sentencing Adams, the court considered his extensive record of criminal acts, his failure to complete or benefit from previous terms of probation, his deliberate disregard for the safety of his victims, and the need to protect the public from Adams' repeated crimes. Those were proper factors to consider, and the court adequately explained its reliance on them at the sentencing hearing. Adams faced maximum prison terms totaling twenty-seven years. Under any reasonable view, the fifteen-year sentence was not excessive.

Our independent review of the record discloses no other potentially meritorious issues. Consequently, any further proceedings would be frivolous and without arguable merit. Accordingly, we affirm the judgment of conviction and relieve Adams' counsel of any further representation of him in this appeal.

*By the Court.*—Judgment affirmed.