

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

January 11, 2001

Cornelia G. Clark  
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 WIS. STAT. § 808.10 and RULE 809.62.

**No. 00-0241-CR**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**ROY E. RIDENER,**

**DEFENDANT-APPELLANT.**

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APPEAL from an order of the circuit court for La Crosse County:  
RAMONA A. GONZALEZ, Judge. *Affirmed.*

Before Vergeront, Deininger and Zappen, JJ.<sup>1</sup>

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<sup>1</sup> Circuit Judge Edward F. Zappen, Jr. is sitting by special assignment pursuant to the Judicial Exchange Program.

¶1 PER CURIAM. Roy Ridener appeals from an order denying his motion for a reduced sentence. He contends that the trial court erred by refusing to reduce a sentence that was based on improper factors, and exceeded the sentencing guidelines applicable at the time of sentencing. We reject his contention and affirm.

¶2 Ridener was convicted on two burglary counts in 1994, one as a repeater. Pursuant to a plea bargain, additional burglary and theft charges were dismissed and read in. The trial court sentenced him to consecutive eight- and twelve-year prison terms. In December 1999, he filed a motion to reduce that sentence. The trial court denied the motion, holding that the sentencing court properly exercised its discretion and that Ridener had not shown any new factors. That determination is the subject of this appeal.

¶3 Review of a sentencing decision is limited to whether the sentencing court erroneously exercised its discretion. *State v. Harris*, 119 Wis. 2d 612, 622, 350 N.W.2d 633 (1984). A court properly exercises discretion when it considers the facts of record, applies the proper legal standard, articulates its reasons, and reaches a reasonable conclusion. *Burkes v. Hales*, 165 Wis. 2d 585, 590-91, 478 N.W.2d 37 (Ct. App. 1991). A reviewing court presumes that the sentencing court acted reasonably. *Harris*, 119 Wis. 2d at 622.

¶4 The trial court properly exercised its discretion when it sentenced Ridener in 1994. In explaining why Ridener received a sentence well in excess of the sentencing guidelines, the court expressly considered the advanced age of the victim, the premeditated nature of the crimes, the length of time over which they occurred, and Ridener's failure to show any remorse. Those were reasonable and proper factors for the trial court to consider, and they justify the sentence imposed.

Additionally, although Ridener contends that the trial court relied upon inaccurate information, he is unable to cite any specific examples.

¶5 Ridener cannot now contend that the sentence exceeded the sentencing guidelines. WISCONSIN STAT. § 973.012 (1993-94) provided that there was no right to appeal a sentence that exceeded the then existing sentencing guidelines on that basis alone. That statute deprives this court of the authority to review the issue. *State v. Halbert*, 147 Wis. 2d 123, 131-32, 432 N.W.2d 633 (Ct. App. 1988), *overruled on other grounds*.

*By the Court.*—Order affirmed.

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)5.

