COURT OF APPEALS
DECISION
DATED AND FILED

January 3, 2007

Cornelia G. Clark
Clerk of Court of Appeals

Appeal No.   2005AP1259-CR

STATE OF WISCONSIN

Cir. Ct. No. 2001CF6778

IN COURT OF APPEALS
DISTRICT I

STATE OF WISCONSIN,

    PLAINTIFF-RESPONDENT,

 V.

JUAN MELENCIANO,

    DEFENDANT-APPELLANT.

APPEAL from a judgment and an order of the circuit court for Milwaukee County: MARY M. KUHNMUENCH and CHARLES F. KAHN, JR., Judge. *Affirmed*.

Before Wedemeyer, P.J., Fine and Kessler, JJ.

¶1   PER CURIAM. Juan Melenciano appeals from a judgment of conviction entered upon his guilty pleas. He also appeals from an order denying

his postconviction motion in which he argued that his guilty pleas were invalid because the circuit court failed to inform him that the initial confinement portion of the sentence cannot be reduced by parole or good time. We affirm.[1]

¶2   Melenciano pled guilty to three counts of delivery of various amounts of cocaine. The circuit court imposed consecutive sentences of four, ten, and six years, dividing equally the initial confinement and extended supervision components of each sentence, resulting in initial confinement of ten years followed by ten years of extended supervision. Postconviction, Melenciano moved to withdraw his plea because the circuit court did not inform him that, under truth-in-sentencing, he must serve every day of initial confinement without the possibility of parole or reduction by good-time earned, and therefore, his plea was not knowingly, voluntarily or intelligently entered. The circuit court denied the postconviction motion and Melenciano appeals.

¶3   This appeal is controlled by *State v. Plank*, 2005 WI App 109, 282 Wis. 2d 522, 699 N.W.2d 235.[2] In *Plank*, this court held that a defendant is not entitled to withdraw his guilty plea even if the circuit court did not inform him that, under truth-in-sentencing, he is ineligible for parole or good-time credit. *Id.*, ¶¶12-17. That conclusion derived from the determination that information about

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[1] The judgment of conviction was entered by the Honorable Mary M. Kuhnmuench; the postconviction order was entered by the Honorable Charles F. Kahn, Jr.

[2] In his brief-in-chief, Melenciano asserted that the issue was "presently unresolved." That brief was filed on July 15, 2005. The opinion in *State v. Plank*, 2005 WI App 109, 282 Wis. 2d 522, 699 N.W.2d 235, was ordered published on May 26, 2005. Thus, the issue had been "resolved" by binding precedent when the brief-in-chief was filed. In his reply brief, Melenciano asks this court to "reexamine[]" the reasoning of *Plank*. Officially published opinions of the court of appeals have statewide precedential effect, *Cook v. Cook*, 208 Wis. 2d 166, 186, 560 N.W.2d 246 (1997), and we are not at liberty to overrule, modify or withdraw language from a published opinion, *id.* at 189-90. Therefore, we apply the principles of *Plank*.

parole or good-time credit is a collateral, rather than a direct, consequence of the plea. *Id.*, ¶¶13, 17. Although a circuit court is expected to inform a defendant of all direct consequences of a plea, it is not required to inform a defendant of collateral consequences. *Id.*, ¶13. Because Melenciano's argument concerns a collateral consequence of his guilty pleas, the absence of parole or good-time credit, it fails. Any mistaken belief about the impact of truth-in-sentencing on his imprisonment would not be a basis for plea withdrawal.

¶4 Because the circuit court was not obligated to inform Melenciano about the impact of truth-in-sentencing, no error occurred. Melenciano's sole basis for plea withdrawal fails, and therefore, we affirm the judgment of conviction and postconviction order.

By the Court.—Judgment and order affirmed.

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