COURT OF APPEALS
DECISION
DATED AND RELEASED

October 10, 1995

NOTICE

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.

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

No. 95-0284-CR

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

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

MICHAEL L. MURPHY,

Defendant-Appellant.

APPEAL from a judgment and an order of the circuit court for Milwaukee County: VICTOR MANIAN, Judge. *Affirmed.*

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

PER CURIAM. Michael L. Murphy appeals from the judgment of conviction for felony murder and armed robbery party to a crime, *see* §§ 940.03, 943.32(1)(a) and (2) and 939.05, STATS., entered on his guilty plea, and from the order denying his motion for postconviction relief. Murphy claims that he did not voluntarily, knowingly and intelligently plead guilty. *See* § 971.08, STATS.; ***State v. Bangert***, 131 Wis.2d 246, 260–262, 389 N.W.2d 12, 20–21 (1986). We affirm.

A trial court may not accept a defendant's guilty plea unless it is satisfied that the defendant understands the implications of that plea. Thus, § 971.08, STATS., provides, as material here:

> **Pleas of guilty and no contest; withdrawal thereof. (1)** Before the court accepts a plea of guilty or no contest, it shall do all of the following:
> (a) Address the defendant personally and determine that the plea is made voluntarily with understanding of the nature of the charge and the potential punishment if convicted.
> (b) Make such inquiry as satisfies it that the defendant in fact committed the crime charged.

See also ***Bangert***, 131 Wis.2d at 261–262, 389 N.W.2d at 20–21. A plea is involuntary if the defendant "`does not understand the nature of the constitutional protections'" or if "`he has such an incomplete understanding of the charge that his plea cannot stand as an intelligent admission of guilt.'" ***State v. Krause***, 161 Wis.2d 919, 927–928, 469 N.W.2d 241, 245 (Ct. App. 1991) (citation omitted).

A defendant claiming inadequacies in a plea colloquy has the initial burden in making a "prima facie showing that his plea was accepted without the trial court's conformance" with § 971.08, STATS., and the "mandatory procedures" established by ***Bangert***. ***Bangert***, 131 Wis.2d at 274, 389 N.W.2d at 26. Further, the defendant must allege that "he in fact did not know or understand the information which should have been provided at the plea hearing" had it been properly conducted. ***Id.*** Murphy does not allege that his plea was in fact uninformed or involuntary. Accordingly, he has not satisfied this initial burden. We do not, therefore, discuss Murphy's claim that the trial court did not properly conduct the plea hearing. *See* ***Gross v. Hoffman***, 227 Wis. 296, 300, 277 N.W. 663, 665 (1938) (only dispositive issue need be addressed).

By the Court.—Judgment and order affirmed.

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