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**DISTRICT III/II**

October 9, 2013

To:

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Circuit Court Judge  
Shawano County Courthouse  
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Shawano, WI 54166

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Clerk of Circuit Court  
Shawano County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2013AP1526-CRNM	State of Wisconsin v. Matthew V. Inman (L.C. #2011CF225)
2013AP1527-CRNM	State of Wisconsin v. Matthew V. Inman (L.C. #2011CF295)

Before Neubauer, P.J., Reilly and Gundrum, JJ.

In these consolidated appeals, Matthew V. Inman appeals from judgments convicting him of second degree reckless homicide, possession of THC as a second and subsequent offense, and two counts of misdemeanor bail jumping. Inman's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Inman received a copy of the report, was advised of his right to file a response, and has elected

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2011-12 version.

not to do so. After reviewing the record and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgments and remand with directions.<sup>2</sup> See RULE 809.21.

The no-merit report addresses the following appellate issues: (1) whether Inman's pleas of no contest were knowingly, intelligently, and voluntarily entered; (2) whether the circuit court erroneously exercised its discretion at sentencing; and (3) whether the circuit court should have granted Inman's motions to suppress evidence.

With respect to the entry of the no contest pleas, the record shows that the circuit court engaged in a colloquy with Inman that satisfied the requirements of WIS. STAT. § 971.08(1)(a), *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986), and *State v. Hampton*, 2004 WI 107, ¶¶33, 38, 274 Wis. 2d 379, 683 N.W.2d 14.<sup>3</sup> In addition, a signed plea questionnaire and waiver of rights form was entered into the record. We agree with counsel that any challenge to the entry of Inman's no contest pleas would lack arguable merit.

With respect to the sentence imposed, the record reveals that the circuit court's decision had a "rational and explainable basis." *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678

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<sup>2</sup> There appears to be a clerical error in the judgments regarding the amount of sentence credit due to Inman. Per the circuit court's pronouncement at sentencing, Inman is due 369 days of sentence credit. We remand the matters to the circuit court so that the judgments can be amended.

<sup>3</sup> There are two exceptions to this. First, the circuit court failed to provide the deportation warning required by WIS. STAT. § 971.08(1)(c). This failure does not present a potentially meritorious issue for appeal, however, as there is no indication that Inman's pleas are likely to result in his deportation, exclusion from admission to this country, or denial of naturalization. WIS. STAT. § 971.08(2). Second, the court failed to inform Inman of the maximum penalties he faced by entering his pleas. However, counsel indicates in his report that after his discussion with Inman, it could not be argued that he did not understand the penalties. Counsel further indicates that Inman wishes to preserve the benefit of his plea agreement with the State. Inman does not contest these statements.

N.W.2d 197 (citation omitted). In imposing an aggregate sentence of fifteen years of imprisonment, the court considered the seriousness of the offenses, Inman's character, and the need to protect the public. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Under the circumstances of the case, which were aggravated by Inman's criminal history and continued involvement with drugs following the homicide,<sup>4</sup> the court's decision does not "shock public sentiment and violate the judgment of reasonable people concerning what is right and proper." *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Accordingly, we agree with counsel that a challenge to the circuit court's decision at sentencing would lack arguable merit.

Finally, with respect to the motions to suppress evidence, the record demonstrates that Inman abandoned them. That is because he did not litigate them before electing to enter his no contest pleas. See *State v. Woods*, 144 Wis. 2d 710, 716, 424 N.W.2d 730 (Ct. App. 1988) (motion made but not pursued is abandoned). Accordingly, we agree with counsel that a challenge based upon Inman's motions to suppress evidence would lack arguable merit.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Timothy T. O'Connell of further representation in these matters.

Upon the foregoing reasons,

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<sup>4</sup> The victim of the homicide overdosed from drugs that Inman had provided to him.

IT IS ORDERED that the judgments of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21 and remanded with directions.

IT IS FURTHER ORDERED that Attorney Timothy T. O'Connell is relieved of further representation of Inman in these matters.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*