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DISTRICT IV/III

March 25, 2014

To:

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You are hereby notified that the Court has entered the following opinion and order:

2013AP1695-CRNM State v. Julius J. Ento, Jr. (L. C. No. 2013CF402)

Before Hoover, P.J., Mangerson and Stark, JJ.

Counsel for Julius Ento, Jr., has filed a no-merit report concluding no grounds exist to challenge Ento's convictions for possession of narcotic drugs as a second and subsequent offense and felony bail jumping. Ento was informed of his right to file a response to the no-merit report and has not responded. Upon our independent review of the record as mandated by ***Anders v. California***, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could

be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21 (2011-12).[1]

The State charged Ento with two counts of possessing narcotic drugs as a second and subsequent offense, two counts of felony bail jumping and one count of resisting an officer, all five counts as a repeater. In exchange for his guilty pleas to one of the possession counts and one of the bail jumping counts, both without the repeater enhancer, the State agreed to dismiss and read in the remaining counts and join in defense counsel's recommendation for concurrent eight-month sentences, to run consecutive to a sentence Ento was serving in another case. The court imposed a sentence consistent with the joint recommendation.

The record discloses no arguable basis for withdrawing Ento's guilty pleas. The court's plea colloquy, as supplemented by a plea questionnaire and waiver of rights form that Ento completed, informed Ento of the elements of the offenses, the penalties that could be imposed, and the constitutional rights he waived by entering guilty pleas. The court confirmed Ento's understanding that it was not bound by the terms of the plea agreement, *see* ***State v. Hampton***, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, and also advised Ento of the deportation consequences of his pleas, as mandated by WIS. STAT. § 971.08(1)(c). Additionally, the court found that a sufficient factual basis existed in the criminal complaint to support the conclusion that Ento committed the crimes charged. The record shows the pleas were knowingly, voluntarily and intelligently made. *See* ***State v. Bangert***, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986).

[1] All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

There is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. Where a defendant affirmatively joins or approves a sentence recommendation, the defendant cannot attack the sentence on appeal. ***State v. Scherrieks***, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989). Here, the court sentenced Ento consistent with the joint recommendation. In any event, it cannot reasonably be argued that Ento's sentence is so excessive as to shock public sentiment. *See* ***Ocanas v. State***, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Our independent review of the record discloses no other potential issue for appeal. Therefore,

IT IS ORDERED that the judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Bernardo Cueto is relieved of further representing Ento in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals