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DISTRICT IV

April 25, 2014

To:

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

2013AP1975-CRNM State of Wisconsin v. Aaron D. Powers (L.C. # 2010CF188)

Before Blanchard, P.J., Lundsten and Sherman, JJ.

Attorney Eileen Hirsch, appointed counsel for Aaron Powers, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Powers with a copy of the report, and both counsel and this court advised him of his right to file a response. Powers has not responded. After our independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

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

Powers pled guilty to one count of first-degree reckless homicide and one count of operating a motor vehicle without the owner's consent. The court imposed maximum consecutive sentences on each count, for a total of forty-three years of initial confinement and twenty-three years of extended supervision.

The no-merit report addresses whether Powers' pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Bangert*, 131 Wis. 2d 246, 255-72, 389 N.W.2d 12 (1986), and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Powers was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses whether the court erred in denying Powers' motion to withdraw his pleas before sentencing. The court made findings of fact, applied the correct legal standard, and reached a reasonable decision. There is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well established and need not be repeated here. See *State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Eileen Hirsch is relieved of further representation of Aaron Powers in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals