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**DISTRICT IV**

May 20, 2014

To:

Hon. Nicholas McNamara  
Circuit Court Judge, Br. 5  
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You are hereby notified that the Court has entered the following opinion and order:

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2013AP1268-CRNM	State of Wisconsin v. Yiye J. Velasco (L.C. # 2011CT1123)
2013AP1269-CRNM	State of Wisconsin v. Yiye J. Velasco (L.C. # 2012CF1692)
2013AP1270-CRNM	State of Wisconsin v. Yiye J. Velasco (L.C. # 2012CF2259)

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

Attorney Michelle Velasquez, appointed counsel for Yiye Velasco, has 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). Counsel provided Velasco with a copy of the report, and both counsel and this court advised him of his right to file a response. Velasco has not responded. We conclude that these

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

cases are appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1). After our independent review of the records, we conclude there is no arguable merit to any issue that could be raised on appeal.

In these consolidated cases, Velasco pled guilty to operating while intoxicated (fourth, fifth, and sixth offenses), one count of hit and run, and one count of operating after revocation. The court imposed sentences totaling four years of initial confinement and five years of extended supervision, along with several fines.

The no-merit report addresses whether Velasco's pleas were entered knowingly, voluntarily, and intelligently. Some of 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 rights Velasco was waiving and other matters. The no-merit report notes that the colloquy was inadequate regarding some of the elements and whether Velasco understood the nature of the charges. However, the no-merit report further states that counsel is not aware of a basis to allege that Velasco did not understand the charges. Velasco has not responded to disagree with counsel's assertion. Therefore, we accept that assertion. There is no arguable merit to this issue.

The no-merit report addresses whether the 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 judgments of conviction are summarily affirmed. *See* WIS. STAT. RULE 809.21(1).

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

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