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**DISTRICT III**

August 12, 2014

To:

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

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2013AP2022-CRNM      State of Wisconsin v. Scott M. Klatt (L. C. #2012CF168)

Before Hoover, P.J., Stark, J., and Thomas Cane, Reserve Judge.

Counsel for Scott Klatt has filed a no-merit report concluding there is no basis to challenge Klatt's conviction for burglary. Klatt was advised of his right to respond 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 and summarily affirm.

The charges arose from the burglary of a thrift store in Marinette. Someone broke into a rear door, pried into a safe and stole about \$418. Security camera footage showed the burglar to

be Klatt. Klatt pled guilty to a burglary charge, and two misdemeanors were dismissed and read in, along with a misdemeanor in another case. The circuit court imposed five years' initial confinement and five years' extended supervision.

There is no manifest injustice upon which Klatt could withdraw his plea. *See State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The court's colloquy, buttressed by the plea questionnaire and waiver of rights form, informed Klatt of the constitutional rights he waived by pleading guilty, the elements of the offense and the potential penalty. The court specifically advised Klatt it was not bound by the parties' agreement and could impose the maximum penalty. An adequate factual basis supported the conviction. The court also advised Klatt of potential deportation consequences as required. The record shows the plea was knowingly, voluntarily and intelligently entered. *See State v. Bangert*, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). Entry of a valid no contest plea constitutes a waiver of nonjurisdictional defects and defenses. *Id.* at 265-66.

The record also discloses no basis for challenging the court's sentencing discretion. The court considered Klatt's character, the seriousness of the offense and the need to protect the public. *See State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The court emphasized Klatt's extensive criminal history and serious problems with alcohol and drugs. The court also noted Klatt was considered a "master manipulator." The court considered the sentence imposed necessary to protect the community and it was well within the penalty allowable by law. Therefore, the sentence was presumptively neither harsh nor excessive. *See State v. Grindemann*, 2002 WI App 106, ¶32, 255 Wis. 2d 632, 648 N.W.2d 507.

Our independent review of the record discloses no other issues of arguable merit.  
Therefore,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21  
(2011-12).

IT IS FURTHER ORDERED that attorney Susan Alesia is relieved of further  
representing Klatt in this matter.

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