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December 15, 2014

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

2014AP991-CRNM State of Wisconsin v. Cedric Lamont Robinson (L.C. #2011CM2426)
2014AP992-CRNM State of Wisconsin v. Cedric Lamont Robinson (L.C. #2013CM518)

Before Brennan, J.[1]

Cedric Lamont Robinson appeals judgments convicting him of obstructing an officer, possession of THC and bail jumping, all misdemeanors. Attorney Faun M. Moses filed a no-merit report seeking to withdraw as appellate counsel in these consolidated appeals. *See* WIS. STAT. RULE 809.32, and ***Anders v. California***, 386 U.S. 738, 744 (1967). Robinson was informed of his right to file a response, but he has not done so. After considering the no-merit

[1] These appeals are decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2011-12).

report and conducting an independent review of the record, we conclude that there are no issues of arguable merit that Robinson could raise on appeal. Therefore, we summarily affirm the judgments of conviction. *See* WIS. STAT. RULE 809.21.

The no-merit report first addresses whether Robinson's guilty pleas were knowingly, voluntarily, and intelligently entered. In order to ensure that a defendant is knowingly, intelligently, and voluntarily waiving the right to trial by entering a guilty plea, the circuit court must conduct a colloquy with a defendant to ascertain that the defendant understands the elements of the crimes to which he is pleading guilty, the constitutional rights he is waiving by entering the plea, and the maximum potential penalties that could be imposed. *See* WIS. STAT. § 971.08 and ***State v. Brown***, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. Although "not intended to eliminate the need for the court to make a record demonstrating the defendant's understanding of the particular information contained therein," the circuit court may refer to a plea colloquy and waiver-of-rights form, which the defendant has acknowledged reviewing and understanding, as part of its inquiry, reducing "the extent and degree of the colloquy otherwise required between the trial court and the defendant." ***State v. Hoppe***, 2009 WI 41, ¶42, 317 Wis. 2d 161, 765 N.W.2d 794 (citation and quotation marks omitted).

During the plea hearing, Robinson's counsel stated the plea agreement on the record. The circuit court explained the elements of each of the offenses to Robinson and informed him of the potential maximum penalties he faced by pleading guilty. Robinson told the circuit court that he understood. The circuit court ascertained that Robinson knew that he was giving up constitutional rights by pleading guilty, which were listed on the plea questionnaire and waiver-of-rights form. The circuit court also asked Robinson whether he understood the information on the plea questionnaire, which he had reviewed with his attorney. Robinson said that he did. The

circuit court found that the criminal complaints provided a sufficient factual basis for each of the pleas. Based on the circuit court's thorough plea colloquy with Robinson and Robinson's review of the plea questionnaire and waiver-of-rights form, there would be no arguable merit to an appellate challenge to the pleas.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court misused its discretion when it sentenced Robinson to six months in jail on each count, concurrent to each other, but consecutive to the prison sentence Robinson was already serving. The circuit court sentenced Robinson in accord with the joint recommendation of the parties. When a "defendant affirmatively approve[s] a sentence, he cannot attack it on appeal." ***State v. Scherreiks***, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989). There would be no arguable merit to a challenge to the sentence on appeal.

Our independent review of the record reveals no arguable basis for reversing the judgments of conviction. Therefore, we affirm the judgments and relieve Attorney Faun M. Moses of further representation of Robinson.

IT IS ORDERED that the judgments of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Faun M. Moses is relieved of any further representation of Robinson in these matters. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals