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**DISTRICT III**

December 30, 2014

To:

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

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2014AP926-CRNM	State of Wisconsin v. James E. Clemons, Jr.
2014AP927-CRNM	(L. C. ##2009CF250, 2009CF372)

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

Counsel for James Clemons, Jr., has filed a no-merit report concluding there is no arguable basis for appealing the sentences the court imposed after revocation of Clemons' probation. Clemons was advised of his right to respond to the 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 basis for appeal.

While Clemons was on bond from four felonies and misdemeanors, he cashed ten checks using another person's checking account without permission, resulting in charges of ten counts of uttering a forgery, and twenty counts of bail jumping. In a separate complaint, Clemons was charged with unrelated burglary, theft, two counts of felony bail jumping and one count of misdemeanor bail jumping. Pursuant to a plea agreement in 2009, Clemons entered no contest pleas to four counts of forgery, three counts of felony bail jumping, three counts of misdemeanor bail jumping and burglary. The court followed the parties' joint sentence recommendation and placed Clemons on probation.

In 2011, Clemons' probation was revoked for possessing counterfeit currency, and ingesting marijuana. The court imposed concurrent sentences totaling four years' initial confinement and four years' extended supervision, consecutive to a prison sentence Clemons was then serving. The court noted that if it ran the sentences concurrent with Clemons' other sentence, it would give him a "free pass," which would not be appropriate under these circumstances. The court also found Clemons eligible for the Challenge Incarceration Program and the Substance Abuse Program.

This appeal is limited to issues arising from the sentence after revocation. *See State v. Tobey*, 200 Wis. 2d 781, 784, 548 N.W.2d 95 (Ct. App. 1996); *State v. Drake*, 184 Wis. 2d 396, 399, 515 N.W.2d 923 (Ct. App. 1994). The record discloses no arguable basis for challenging the sentencing court's discretion. The court expressly considered the seriousness of the offenses, Clemons' character and his need for treatment in a confined setting because he was not receiving treatment in the community. *See State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The court tailored the sentence to Clemons' needs, and the sentence is not arguably 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 judgments are summarily affirmed. WIS. STAT. RULE 809.21 (2011-12).

IT IS FURTHER ORDERED that attorney Ellen Krahn is relieved of her obligation to further represent Clemons in these matters. WIS. STAT. RULE 809.32(3) (2011-12).

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