

that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21 (2013-14).¹

The State charged Waupekenay with second-degree sexual assault; burglary with the intent to commit battery on a person; and felony intimidation of a victim. Pursuant to a plea agreement, the State amended the burglary and felony intimidation charges to criminal trespass and battery, respectively. In exchange for her no-contest pleas to second-degree sexual assault and the amended charges of battery and criminal trespass, the State agreed to cap its sentence recommendation at five years' initial confinement and nine years' extended supervision. Out of a maximum possible forty-one and one-half-years sentence, the court imposed concurrent sentences resulting in a total of thirteen years, consisting of six years' initial confinement followed by seven years' extended supervision.

The record discloses no arguable basis for withdrawing Waupekenay's no-contest pleas. The court's plea colloquy, as supplemented by a plea questionnaire and waiver of rights form completed by Waupekenay, informed Waupekenay of the elements of the offenses, the penalties that could be imposed, and the constitutional rights she waived by entering no-contest pleas. The court confirmed Waupekenay's understanding that it was not bound by the terms of the plea agreement, *see State v. Hampton*, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, and also advised Waupekenay of the deportation consequences of her plea, as mandated by WIS. STAT. § 971.08(1)(c). The court confirmed that antidepressant medication Waupekenay had taken did not interfere with her ability to understand the proceedings. Additionally, the court found that a

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

sufficient factual basis existed in the criminal complaint to support the conclusion that Waupekenay committed the crimes charged. The record shows the pleas were knowingly, voluntarily and intelligently made. See *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986).

The record discloses no arguable basis for challenging the sentence imposed. Before imposing a sentence authorized by law, the court considered the seriousness of the offenses; Waupekenay's character, including her criminal history; the need to protect the public; and the mitigating factors Waupekenay raised. See *State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. Under these circumstances, it cannot reasonably be argued that Waupekenay's sentence is 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 judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Leonard D. Kachinsky is relieved of further representing Waupekenay in this matter. See WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals