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**DISTRICT III**

June 2, 2015

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

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2014AP2786-CRNM State of Wisconsin v. Garrett D. Wegener  
(L. C. Nos. 2013CF109 and 2013CF1036)

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

Counsel for Garrett Wegener has filed a no-merit report concluding there is no arguable basis for Wegener to withdraw his no contest pleas or challenge the sentences imposed for crimes that occurred in Brown County and Oconto County. Wegener 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.

In Brown County case No. 2013CF1036, the complaint charged Wegener with felony theft, misdemeanor theft and three counts of possession of a firearm by a felon, all as a repeater. The firearms charges involved three separate weapons. The complaint in Oconto County case No. 2013CF109 charged burglary-arming self with a dangerous weapon, burglary, felony theft and two counts of misdemeanor theft. That case was transferred to Brown County and the two complaints were resolved with a global plea agreement. Pursuant to the plea agreement, Wegener entered no contest pleas to felony theft and two counts of possession of a firearm by a felon with the repeater allegations withdrawn, burglary-arming self with a dangerous weapon and burglary of a building or dwelling. The plea agreement called for the parties to make a joint sentence recommendation of four years' initial confinement and four years' extended supervision. The court accepted the no contest pleas and imposed concurrent sentences totaling four years' initial confinement and four years' extended supervision.

The record discloses no arguable manifest injustice upon which Wegener could withdraw his no contest pleas. See *State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). At the plea hearing in the Brown County case and at the combined waiver of the preliminary hearing and plea hearing in the Oconto County case, the court informed Wegener of the elements of the offenses, the potential prison terms and the constitutional rights he waived by pleading no contest. Wegener also executed separate Plea Questionnaire/Waiver of Rights forms. As required by *State v. Hampton*, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, the court informed Wegener that it was not bound by the parties' plea agreement. The court did not give the deportation warning required by WIS. STAT. § 971.08(1)(c) (2013-14). However, that defect provides no basis for relief because, according to the presentence investigation report, Wegener is a citizen of the United States, having been born in Texas. The record shows the no

contest pleas were knowingly, voluntarily and intelligently entered. *See State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). Entry of valid no contest pleas constitutes a waiver of all nonjurisdictional defects and defenses. *Id.* at 293.

The record also discloses no arguable basis for challenging the sentences. Because the court imposed the sentences recommended by the defense, Wegener cannot challenge the sentences. *See State v. Sherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989).

Our independent review of the record discloses no other potential issue for appeal. Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21 (2013-14).

IT IS FURTHER ORDERED that attorney Andrew H. Morgan is relieved of his obligation to further represent Wegener in this matter. WIS. STAT. RULE 809.32(3) (2013-14).

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