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DISTRICT IV

August 4, 2015

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

2014AP683-CRNM State of Wisconsin v. Thaddius T. Ledford (L.C. # 2012CF730)

Before Kloppenburg, P.J., Lundsten and Blanchard, JJ.

Attorney Steven Grunder, appointed counsel for Thaddius Ledford, has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2013-14)¹ and *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report addresses whether there would be arguable merit to a challenge to Ledford's plea or sentencing. Ledford was sent a copy of the report, but has not filed a response. Upon independently reviewing the entire record, as

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

well as the no-merit report, we agree with counsel's assessment that there are no arguably meritorious appellate issues. Accordingly, we affirm.

Ledford was charged with the following criminal offenses, each as a repeat offender, after police responded to a report of a domestic disturbance at Ledford's home: (1) first-degree recklessly endangering safety by use of a dangerous weapon; (2) possession of a firearm by a felon; (3) pointing a firearm at another; and (4) possession of a firearm while intoxicated. Pursuant to a plea agreement, Ledford pled guilty to possession of a firearm by a felon as a repeater; the charge of pointing a firearm at another was dismissed but read-in for sentencing purposes; and the remaining charges were dismissed outright. The court sentenced Ledford to seven years of initial confinement and four years of extended supervision, consecutive to the sentence Ledford was then serving.

First, the no-merit report addresses whether there would be arguable merit to a challenge to the validity of Ledford's plea. A post-sentencing motion for plea withdrawal must establish that plea withdrawal is necessary to correct a manifest injustice, such as a plea that was not knowing, intelligent, and voluntary. *State v. Brown*, 2006 WI 100, ¶18, 293 Wis. 2d 594, 716 N.W.2d 906. Here, the circuit court conducted a plea colloquy that satisfied the court's mandatory duties to personally address Ledford and determine information such as Ledford's understanding of the nature of the charge and the range of punishments he faced, the constitutional rights he waived by entering a plea, and the direct consequences of the plea. *See State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794. There is no indication of any other basis for plea withdrawal. Accordingly, we agree with counsel's assessment that a challenge to Ledford's plea would lack arguable merit.

Next, the no-merit report addresses whether there would be arguable merit to a challenge to Ledford's sentence. A challenge to a circuit court's exercise of its sentencing discretion must overcome our presumption that the sentence was reasonable. *State v. Ramuta*, 2003 WI App 80, ¶23, 261 Wis. 2d 784, 661 N.W.2d 483. Here, the court explained that it considered facts relevant to the standard sentencing factors and objectives, including the severity of the offense, Ledford's character, and the need to protect the public. See *State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. The court sentenced Ledford to seven years of initial confinement and four years of extended supervision, which was within the applicable penalty range. The sentence was not so excessive or unduly harsh as to shock the conscience. See *State v. Grindemann*, 2002 WI App 106, ¶31, 255 Wis. 2d 632, 648 N.W.2d 507. We discern no erroneous exercise of the court's sentencing discretion.

Upon our independent review of the record, we have found no other arguable basis for reversing the judgment of conviction. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

IT IS ORDERED that the judgment of conviction is summarily affirmed. See WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Grunder is relieved of any further representation of Thaddius Ledford in this matter. See WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals