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DISTRICT III

October 27, 2015

To:

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

2015AP1471-CRNM State of Wisconsin v. Paul T. Rice (L. C. No. 2014CF119)

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

Counsel for Paul Rice has filed a no-merit report concluding there is no arguable basis for Rice to withdraw his guilty pleas or challenge the sentences imposed for burglary and misdemeanor criminal damage to property, both as a repeat offender. Rice 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.

Rice was charged with three counts of burglary, misdemeanor theft and two counts of misdemeanor criminal damage to property, all as a repeat offender. Pursuant to a plea agreement, he pled guilty to one count of burglary and one count of misdemeanor criminal damage to property, both as a repeater. In return, the other charges were dismissed and read-in for sentencing purposes, and the parties made a joint sentence recommendation of two years and six months' initial confinement followed by five years' extended supervision, concurrent with other sentences Rice was serving. The court imposed the recommended sentences.

The record discloses no arguable manifest injustice upon which Rice could withdraw his guilty pleas. See *State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The court's colloquy informed Rice of the elements of the offenses, the potential penalties and the constitutional rights he waived by pleading guilty. As required by *State v. Hampton*, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, the court informed Rice it was not bound by the parties' joint sentence recommendations. The court further explained the effect of the read-in offenses, and notified Rice that his guilty plea would affect his right to vote, his right to bear arms, and, if he was not a citizen, the possibility of deportation. In an addendum to the plea form, Rice specifically waived his right to challenge the search and any incriminatory statements he made to the police. The record shows the pleas were knowingly, voluntarily and intelligently entered. See *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986).

Because the court imposed the jointly recommended sentence, Rice forfeited his right to challenge the sentences on appeal. 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.

IT IS FURTHER ORDERED that attorney Timothy O'Connell is relieved of his obligation to further represent Rice in this matter. WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals