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DISTRICT III/IV

December 7, 2015

To:

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

2014AP2522-CRNM	State of Wisconsin v. Leon Antione McKinney (L.C. # 2013CM486)
2014AP2523-CRNM	State of Wisconsin v. Leon Antione McKinney (L.C. # 2013CM600)
2014AP2524-CRNM	State of Wisconsin v. Leon Antione McKinney (L.C. # 2013CF369)
2014AP2525-CRNM	State of Wisconsin v. Leon Antione McKinney (L.C. # 2014CF25)

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

Attorney Andrew Hinkel, appointed counsel for Leon McKinney, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2013-14)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided McKinney with a copy of the report, and both counsel and this court

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

advised him of his right to file a response. McKinney has not responded. We conclude that these cases are appropriate for summary disposition. *See* WIS. STAT. RULE 809.21.

McKinney pled guilty to one felony count of bail jumping and four misdemeanor counts. The court imposed a sentence on the felony count of three years of initial confinement and three years of extended supervision, and various concurrent terms on the misdemeanors.

In our order of November 12, 2015, we directed counsel to further review whether McKinney could properly be convicted of the above felony bail jumping count, at a time when the felony charge had been dismissed in the case he was on bail for. Counsel informs us that he has concluded the issue has arguable merit, but McKinney does not want to pursue it. Therefore, we do not discuss that issue further.

The no-merit report addresses whether McKinney's pleas were entered knowingly, voluntarily, and intelligently. Other than the above issue, it appears that the plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights McKinney was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses whether the sentences are within the legal maximum and whether the court erroneously exercised its sentencing discretion. The sentences are within the legal maximum. The standards for the circuit court and this court on sentencing discretion are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not

consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the records discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgments of conviction are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Hinkel is relieved of further representation of McKinney in these matters. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals