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DISTRICT IV

December 7, 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:

2015AP335-CRNM State of Wisconsin v. David L. Reilly (L.C. #2014CF1179)

Before Lundsten, Higginbotham and Sherman, JJ.

Attorney Ellen Krahn, appointed counsel for David Reilly, 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 Reilly with a copy of the report, and both counsel and this court advised him of his right to file a response. Reilly has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our independent

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

review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Reilly pled guilty to one count of possession of a controlled substance, a class I felony. The court placed Reilly on probation for two years and imposed and stayed a sentence of eighteen months of initial confinement and two years of extended supervision.

The no-merit report addresses whether Reilly's plea was entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Bangert*, 131 Wis. 2d 246, 255-73, 389 N.W.2d 12 (1986), and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Reilly 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 sentence is within the legal maximum and whether the court erroneously exercised its sentencing discretion. The imposed and stayed sentence is the maximum for a class I felony, and the probation term is within the maximum three-year term. Because the court imposed the jointly recommended sentence, there is no merit to contesting the sentence on appeal. *State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989).

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Krahn is relieved of further representation of Reilly in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals