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DISTRICT IV

March 29, 2016

To:

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Jody L. Curtin
26 East 2nd Street
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You are hereby notified that the Court has entered the following opinion and order:

2015AP1424-CRNM State of Wisconsin v. Jody L. Curtin (L.C. #2013CF60)

Before Lundsten, Sherman and Blanchard, JJ.

Attorney Andrew Hinkel, appointed counsel for Jody Curtin, 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 Curtin with a copy of the report, and both counsel and this court advised her of her right to file a response. Curtin has not responded. After our independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

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

Curtin pled no contest to one count of obtaining a controlled substance by fraud. The court imposed and stayed a sentence of three years of initial confinement and eighteen months of extended supervision, and placed Curtin on probation for three years.

The no-merit report addresses whether Curtin's plea was entered knowingly, voluntarily, and intelligently. 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 Curtin 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 sentence and probation term are within the maximum. The standards for the circuit court and this court on discretionary sentencing issues 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 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 Andrew Hinkel is relieved of further representation of Jody Curtin in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals