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**DISTRICT IV**

August 24, 2016

To:

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

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2014AP2539-CRNM      State of Wisconsin v. Mary E. Crowley (L.C. # 2013CT341)

Before Kloppenburg, P.J.

Appointed counsel for Mary Crowley has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2013-14)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Crowley with a copy of the report, and both counsel and this court advised her of her right to file a response. Crowley has not responded. We conclude that this case is appropriate for summary

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

disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Crowley pled guilty to one count of operating while intoxicated, as a third offense. The circuit court imposed a sentence of forty-five days in jail and a fine.

In our order of November 4, 2015, we noted that the plea colloquy did not include the required immigration warning under WIS. STAT. § 971.08(1)(c). Counsel later informed us, in an extension motion, that counsel had confirmed with Crowley that she is a United States citizen. Therefore, we conclude that this issue lacks arguable merit.

The no-merit report addresses whether Crowley's plea was entered knowingly, voluntarily, and intelligently. Other than the above deficiency, 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 Crowley 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 circuit court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on 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. The sentence is within the permitted maximum. There is no arguable merit to this issue.

In our November 4 order we also directed counsel to review the \$25 blood draw surcharge that was imposed at sentencing. Counsel now reports that the State has provided evidence to support that amount. Therefore, we conclude 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 Michael Rosenberg is relieved of further representation of Crowley in this matter. *See* WIS. STAT. RULE 809.32(3).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*