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DISTRICT III

February 28, 2017

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

2016AP503-CRNM
2016AP504-CRNM
2016AP505-CRNM
2016AP506-CRNM
2016AP507-CRNM
2016AP508-CRNM
2016AP509-CRNM
2016AP510-CRNM

State v. Lora G. Larson
(L. C. Nos. 2013CF202; 2014CF152; 2014CF153; 2014CF160; 2014CF169; 2014CF170; 2015CF31; 2015CF182)

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

Counsel for Lora Larson has filed a no-merit report concluding no grounds exist to challenge Larson's convictions for one count of party to the crime of delivering methamphetamine and three counts of felony bail jumping, all as repeaters. Larson was informed of her right to file a response to the no-merit report and has not responded. Upon our independent review of the records as mandated by ***Anders v. California***, 386 U.S. 738 (1967),

we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgments of conviction. *See* WIS. STAT. RULE 809.21 (2015-16).[1]

The State charged Larson with the following crimes arising from eight circuit court cases: thirty-five counts of felony bail jumping; two counts of possessing methamphetamine; two counts of possessing drug paraphernalia; and one count each of possessing tetrahydrocannabinol, maintaining a drug trafficking place, obstructing an officer, and party to the crime of delivering methamphetamine, all forty-three counts as repeaters. In exchange for her guilty pleas to one count of party to the crime of delivering methamphetamine and three counts of felony bail jumping, all as repeaters, the State agreed to dismiss and read in the remaining counts.[2] Out of a maximum possible thirty-eight and one-half-year sentence, the court imposed consecutive and concurrent sentences totaling six years' initial confinement followed by seven years' extended supervision with a consecutive three-year probation term.[3]

[1] All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

[2] A ninth case, Polk County Circuit Court case No. 2014CF162, was resolved under the global plea agreement with a deferred judgment of conviction. That case is not a subject of this appeal.

[3] We note that although the record shows Larson was charged and convicted upon her guilty pleas of two counts of felony bail jumping in case No. 2015CF182, the judgment of conviction indicates she entered "not guilty" pleas to these crimes. Because this appears to be a clerical error, upon remittitur, the circuit court shall enter an amended judgment of conviction correctly noting that Larson entered "guilty" pleas in that case.

The record discloses no arguable basis for withdrawing Larson's guilty pleas. The circuit court's plea colloquy, as supplemented by a plea questionnaire and waiver of rights form that Larson completed, informed Larson of the elements of the offenses, the penalties that could be imposed, and the constitutional rights she waived by entering guilty pleas. The court confirmed that Larson understood the court was not bound by the terms of the plea agreement, *see* ***State v. Hampton***, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, and advised Larson of the deportation consequences of her pleas, as mandated by WIS. STAT. § 971.08(1)(c). Additionally, the court properly found that a sufficient factual basis existed in the criminal complaints to support the conclusion that Larson committed the crimes charged. The record shows the pleas were knowingly, voluntarily and intelligently made. *See* ***State v. Bangert***, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986).

The records disclose no arguable basis for challenging the sentences imposed. Before imposing sentences authorized by law, the court considered the seriousness of the offenses; Larson's character, including her extensive criminal history; the need to protect the public; and the mitigating factors Larson raised. *See* ***State v. Gallion***, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. The court determined that anything less than confinement would unduly depreciate the seriousness of the offenses. It cannot reasonably be argued that Larson's sentence is so excessive as to shock public sentiment. *See* ***Ocanas v. State***, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). There is likewise no arguable merit to challenge the circuit court's consideration of the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) risk assessment. The court properly utilized COMPAS consistent with our supreme

court's decision in ***State v. Loomis***, 2016 WI 68, ¶99, 371 Wis. 2d 235, 881 N.W.2d 749. The record shows COMPAS was not "determinative" of the sentence imposed. It merely informed the circuit court's assessment of other, independent factors.

Our independent review of the records discloses no other potential issue for appeal. Therefore,

IT IS ORDERED that the judgment in case No. 2015CF182 is modified, and as modified, affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that the remaining judgments are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Daniel R. Goggin II is relieved of further representing Larson in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals