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DISTRICT IV

March 3, 2017

To:

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Circuit Court Judge
Br. 3
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Anthony Hugh Krosinski
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You are hereby notified that the Court has entered the following opinion and order:

2015AP2531-CRNM State of Wisconsin v. Anthony Hugh Krosinski (L.C. # 2014CF22)

Before Kloppenburg, P.J., Lundsten and Sherman, JJ.

Attorney Sara Kelton Brelie, appointed counsel for Anthony Krosinski, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Krosinski with a copy of the report, and both counsel and this court advised him of his right to file a response. Krosinski has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our

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

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

Krosinski pled guilty to one count of third-degree sexual assault. The circuit court withheld sentence and placed him on probation for five years, with jail time as a condition.

The no-merit report addresses whether Krosinski'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 Krosinski was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

As to sentencing, the probation term is within the legal maximum. Because the circuit court largely imposed the jointly recommended sentence, there is no merit to contesting the sentence on appeal. See *State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989). The court deviated from the recommendation by imposing additional jail time. However, counsel informs us that this time has already been served, and therefore any issue as to that jail time is moot.

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 Brelie is relieved of further representation of Krosinski in this matter. See WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals