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DISTRICT II/IV

July 18, 2017

To:

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

2016AP929-CRNM State of Wisconsin v. Jerome E. Benson (L.C. #2014CF357)

Before Sherman, J.¹

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. Rule 809.23(3).

Attorney Andrew Morgan, appointed counsel for Jerome Benson, has filed a no-merit report pursuant to WIS. STAT. Rule 809.32 (2015-16)² and *Anders v. California*, 386 U.S. 738

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2).

² All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

(1967). Counsel provided Benson with a copy of the report, and both counsel and this court advised him of his right to file a response. Benson has not responded. We conclude that this case is appropriate for summary 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.

Benson pled no contest to one count of disorderly conduct, as a repeater. The court imposed a sentence of eight months of jail confinement.

The no-merit report addresses whether Benson'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 Benson 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 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. 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 Morgan is relieved of further representation of Benson in this matter. *See* WIS. STAT. Rule 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Clerk of Court of Appeals