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**DISTRICT III**

November 7, 2017

To:

Hon. James A. Morrison  
Circuit Court Judge  
Marinette County Courthouse  
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Marinette, WI 54143

Sheila Dudka  
Clerk of Circuit Court  
Marinette County Courthouse  
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Oshkosh, WI 54903-3310

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

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2017AP754-CRNM      State of Wisconsin v. Richard Franklin Larson, Jr.  
(L. C. No. 2016CF66)

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

**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).**

Counsel for Richard Larson has filed a no-merit report concluding there is no arguable basis for Larson to withdraw his no-contest plea or challenge the sentence imposed for burglary. Larson was advised of his right to respond to the report and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable basis for appeal.

Larson was initially charged with two counts of burglary and two counts of misdemeanor theft. Pursuant to a plea agreement, he entered a no-contest plea to one count of burglary, and the remaining counts were dismissed and read-in for sentencing purposes. The court imposed a sentence of two years' initial confinement and three years' extended supervision, consecutive to other sentences Larson was serving.

The record discloses no arguable manifest injustice upon which Larson could withdraw his no-contest plea. See *State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The circuit court's plea colloquy, supplemented by a Plea Questionnaire and Waiver of Rights form, informed Larson of the elements of the offense, the potential penalties and the constitutional rights he waived by pleading no contest. As required by *State v. Hampton*, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, the court informed Larson that it was not bound by the parties' sentence recommendations. The court gave the deportation warning required by Wis. STAT. § 971.08(1)(c) (2015-16).<sup>1</sup> Larson told the court his plea was not the product of any threats or promises, and the court found the plea was knowingly, voluntarily and intelligently entered. See *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). Larson personally agreed that the facts alleged in the complaint were true and the court could use the complaint as the factual basis for the plea. Entry of a valid no-contest plea constitutes a waiver of all nonjurisdictional defects and defenses. *Id.* at 293.

The record also discloses no arguable basis for challenging the sentencing court's discretion. The maximum sentence for this offense is twelve and one-half years' imprisonment

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

and a \$25,000 fine. The sentencing court appropriately considered the seriousness of the offense, the need to protect the public, and Larson's prior record, which included burglaries, sexual assault of a child, and felon in possession of a firearm. *See State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The court considered no improper factors, and the five-year sentence is not arguably so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

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

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Roberta Heckes is relieved of her obligation to further represent Larson in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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