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**DISTRICT IV**

March 6, 2018

To:

Hon. William E. Hanrahan  
Circuit Court Judge  
Br. 7  
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Borin Mouth  
610 Braxton Pl.  
Madison, WI 53715

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

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2017AP212-CRNM      State of Wisconsin v. Borin Mouth (L.C. # 2016CM1337)

Before Lundsten, P.J.<sup>1</sup>

**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 Colleen Marion, appointed counsel for Borin Mouth, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Mouth with a copy of the report, and both counsel and this court advised him of his

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

right to file a response. Mouth has not responded. After my independent review of the record, I conclude that there is no arguable merit to any issue that could be raised on appeal.

Mouth was convicted of one count of theft by acquisition of credit card. The court imposed a fine of \$100 and ordered restitution.

The no-merit report addresses whether Mouth's plea was entered knowingly, voluntarily, and intelligently. With one exception, 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. The exception is that the court failed to give Mouth the required immigration warning. However, the no-merit report states that counsel is not aware of any basis to make the factual allegations required to pursue this issue. Mouth has not disputed counsel's assessment. There is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erroneously exercised its sentencing discretion. Because the court imposed the jointly recommended sentence, there is no merit to contesting the sentence on appeal. *State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989).

My 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 Colleen Marion is relieved of further representation of Borin Mouth 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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*Sheila T. Reiff*  
*Clerk of Court of Appeals*