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DISTRICT II

July 17, 2019

To:

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

2018AP2087-CRNM State v. Xavier J. Rockette (L.C. #2015CF664)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

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).

Xavier J. Rockette appeals from a judgment convicting him of possession with intent to deliver cocaine (>5-15 grams) as a repeater. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967).

¹ All references to the Wisconsin Statutes are to the 2017-18 version.

Rockette received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

Police found controlled substances on Rockette's person during an investigative traffic stop. After unsuccessfully attempting to suppress the evidence, Rockette pled no contest to the charge of possession with intent to deliver cocaine (>5-15g) as a repeater. The circuit court sentenced him to four years of initial confinement and three years of extended supervision. This no-merit appeal follows.

The no-merit report addresses potential issues of (1) whether the circuit court properly denied Rockette's motion to suppress evidence, (2) whether Rockette's plea was validly entered, and (3) whether the circuit court properly imposed its sentence. This court is satisfied that the no-merit report correctly and thoroughly analyzes the issues it raises as without merit, and this court will not discuss them further.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Rockette further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Jeremy Newman is relieved of further representation of Xavier J. Rockette in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals