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DISTRICT I

September 22, 2020

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

2020AP587-CRNM State of Wisconsin v. Donnevan T. Carter (L.C. # 2019CF903)

Before Brash, P.J., Dugan and White, 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).

Donnevan T. Carter appeals a judgment convicting him of fleeing an officer while in a vehicle. Appointed appellate counsel, Vicki Zick, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738, 744 (1967). Carter was served with a copy of the no-merit report and was advised of his right to file a response, but he

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

has not done so. After considering the report and conducting an independent review of the record, as mandated by *Anders*, we conclude that there are no issues of arguable merit that could be raised on appeal. Therefore, we summarily affirm. *See* WIS. STAT. RULE 809.21.

The police attempted to stop Carter for a traffic violation, but he fled from them. When the police finally caught Carter after a chase through the streets of Milwaukee, he had marijuana in his pocket. He was initially charged with fleeing an officer, obstructing an officer, and possession of THC. Pursuant to a plea agreement, Carter pled guilty to the first charge and the second two charges were dismissed and read in for sentencing. The circuit court sentenced Carter to eighteen months of initial confinement and two years of extended supervision, to be served consecutively to time he was serving on another case.

The no-merit report first addresses whether there would be arguable merit to a claim that Carter should be allowed to withdraw his guilty plea because he did not knowingly, intelligently, and voluntarily enter the same. The circuit court conducted a colloquy with Carter that complied with WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). Prior to the plea hearing, Carter discussed information pertinent to entering his plea with his trial counsel, and he reviewed and executed a plea questionnaire and waiver of rights form with his trial counsel and told the circuit court he understood the information on the form. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987) (stating that the circuit court may rely on a plea questionnaire and waiver of rights form in assessing the defendant's knowledge about the rights he or she is waiving). Carter also acknowledged that there was a factual basis to convict him of the crime. Therefore, there would be no arguable merit to an appellate challenge to the plea.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court erroneously exercised its sentencing discretion. The record establishes that the circuit court considered the general objectives of sentencing and applied the sentencing factors to the facts of this case, reaching a reasoned and reasonable result. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (stating that the circuit court must identify the factors it considered and explain how those factors fit the sentencing objectives and influenced its sentencing decision). Accordingly, there would be no arguable merit to a challenge to the sentence.

Our review of the record discloses no other potential issues for appeal. Therefore, we accept the no-merit report, affirm the conviction, and discharge appellate counsel of the obligation to further represent Carter.

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

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved from further representing Donnevan T. Carter. *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