

California, 386 U.S. 738 (1967). Counsel provided Miller-Ricks with a copy of the report, and both counsel and this court advised him of his right to file a response. Miller-Ricks 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.

Miller-Ricks pleaded guilty to two counts of delivery of cocaine. The circuit court imposed concurrent sentences, with the controlling sentence being for five years of initial confinement and four years of extended supervision.

The no-merit report addresses whether Miller-Ricks' pleas were 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 Miller-Ricks 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 sentence is within the legal maximum and whether the circuit court erroneously exercised its sentencing discretion. The sentence is within the maximum. The standards for the circuit court and this court on sentencing discretion 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.

The no-merit report notes Miller-Ricks' concern that the sentencing court may have believed that he was selling heroin in addition to cocaine, and that this allegation is not accurate.

It is not entirely clear from the transcript whether the court thought this was true. However, the no-merit report is correct in asserting that there is no basis to argue that the court relied on that allegation in sentencing.

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 Colbert is relieved of further representation of Miller-Ricks in this matter. *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IT IS FURTHER ORDERED that this summary disposition order will not be published.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