



returned as undeliverable. Blair has not responded.<sup>2</sup> Upon an independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), this court concludes there is no arguable merit to any issue that could be raised on appeal. Therefore, the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

The State charged Blair with strangulation and suffocation, physical abuse of a child with the intent to cause bodily harm, and disorderly conduct, all with the repeater enhancer. The charges arose from allegations that then twenty-five-year-old Blair choked a thirteen-year-old sibling and pushed him into a wall following a dispute over a video game. Another sibling heard the argument from another room and also heard what sounded like somebody being slammed into a wall. In exchange for his no-contest plea to disorderly conduct as a repeater, the State agreed to recommend that the circuit court dismiss and read in the remaining charges. The State also joined in defense counsel's recommendation for a withheld sentence and eighteen months' probation with no conditional jail time. The court imposed a sentence consistent with the joint recommendation.

The no-merit report addresses whether Blair knowingly, intelligently and voluntarily entered his no-contest plea; whether the circuit court erroneously exercised its sentencing discretion; and whether there are any grounds to challenge the effectiveness of Blair's trial counsel. Upon reviewing the record, we agree with counsel's analysis and conclusion that there is no arguable merit to any of these issues.

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<sup>2</sup> Counsel notified this court that the no-merit report she attempted to serve upon Blair was returned as undeliverable. Counsel added that her calls to Blair were not returned and she was unable to obtain a current address for Blair from the Department of Corrections or his probation agent. This court's notice to Blair of the no-merit report's filing was likewise returned as undeliverable. Based on these circumstances, we deem Blair to have waived any right to respond to the no-merit report.

We note that at the plea hearing, the circuit court failed to personally advise Blair of the potential deportation consequences of his plea, as mandated by WIS. STAT. § 971.08(1)(c). However, in order to obtain relief because of such an omission, a defendant must show that the plea is likely to result in deportation, exclusion from admission, or denial of naturalization. *See State v. Negrete*, 2012 WI 92, ¶26, 343 Wis. 2d 1, 819 N.W.2d 749. Nothing in the record before us suggests Blair would be subject to adverse immigration consequences.

We also note that during the plea colloquy, the circuit court failed to inform Blair that it was not bound by the terms of the plea agreement, as required under *State v. Hampton*, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14. However, Blair received the benefit of the plea agreement. Therefore, this defect in the colloquy does not present a manifest injustice warranting plea withdrawal. *See State v. Johnson*, 2012 WI App 21, ¶12, 339 Wis. 2d 421, 811 N.W.2d 441. Further, where, as here, a defendant affirmatively joins or approves a sentence recommendation, the defendant cannot attack the sentence on appeal. *See State v. Scherriecks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989). The no-merit report otherwise sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further.

An 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 Carnell Blair, Jr., 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*