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DISTRICT II

August 21, 2024

To:

Hon. Paul Bugenhagen Jr.
Circuit Court Judge
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Angela Conrad Kachelski
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

James Anthony Perry, #691832
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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

| | |
|---------------|--|
| 2024AP22-CRNM | State of Wisconsin v. James Anthony Perry (L.C. #2021CF532) |
| 2024AP23-CRNM | State of Wisconsin v. James Anthony Perry (L.C. #2021CF1458) |

Before Gundrum, P.J., Neubauer and Lazar, 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).

Angela Conrad Kachelski, appointed counsel for James Anthony Perry, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Perry with a copy of the report, and both counsel and this court advised him of his right to file a response. Perry has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

of the Record, we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgments. *Id.*

Perry pled guilty to one count of burglary of a building or dwelling and one count of possession of THC with intent to deliver. As part of the plea agreement, eleven other counts from four criminal complaints were dismissed and read in, including several felony counts. The court imposed an aggregate sentence of four years of initial confinement and four years of extended supervision.

The no-merit report discusses whether the Record would support withdrawal of Perry's pleas. 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 charges, the potential penalties and immigration consequences, the rights Perry was waiving, and other essential matters. Perry indicated he fully understood the consequences of his pleas, and Perry was satisfied with counsel's representation of him. The Record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report also addresses whether the court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues 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. Perry was provided an opportunity to address the court, and he did so. The Record shows no other grounds from which we could conclude that the court erroneously exercised its sentencing discretion. There is no arguable merit to this issue.

Finally, the sentence is not excessive or too harsh. Perry faced a potential of sixteen years of total imprisonment, but was sentenced to only eight. Under the circumstances, it cannot reasonably be argued that Perry's sentence is excessive, much less so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). There is no arguable merit to this issue.

Our review of the Record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgments are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Angela Conrad Kachelski is relieved from further representing James Anthony Perry in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals