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DISTRICT III

February 12, 2013

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

2012AP1095-CRNM State of Wisconsin v. Evan J. Robbins (L.C. # 2010CF356)

Before Hoover, P.J., Mangerson, J., and Thomas Cane, Reserve Judge.

Counsel for Evan Robbins has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12),[1] concluding no grounds exist to challenge Robbins' convictions for second-degree sexual assault of a child and child enticement (intent to have sexual contact). Robbins was informed of his right to file a response to the no-merit report and has not responded. Upon our independent review of the record as mandated by ***Anders v. California***, 386 U.S. 738 (1967),

[1] All references to the Wisconsin Statutes are to the 2011-12 version.

we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The State charged Robbins with second-degree sexual assault of a child under sixteen years of age and child enticement (intent to have sexual contact), both counts as a persistent repeater. In exchange for his no contest plea to both counts, the State dismissed the repeater allegations. Out of a maximum possible sixty-five-year sentence, the court imposed consecutive sentences resulting in a forty-year term consisting of fifteen years' initial confinement and twenty-five years' extended supervision.

The record discloses no arguable basis for withdrawing Robbins' no contest pleas. The court's plea colloquy, supplemented by a plea questionnaire and waiver of rights form that Robbins completed, informed Robbins of the elements of the offenses, the penalties that could be imposed, and the constitutional rights he waived by entering a no contest plea. The court ascertained that medications Robbins was taking to address his mental health issues did not interfere with his ability to understand the proceedings. The court advised Robbins of the deportation consequences of his plea, as mandated by WIS. STAT. § 971.08(1)(c), and confirmed Robbins' understanding that it was not bound by the terms of the plea agreement. *See* ***State v. Hampton***, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14. The court also found that a sufficient factual basis existed in the criminal complaint to support Robbins' pleas. The record shows the pleas were knowingly, voluntarily and intelligently made. *See* ***State v. Bangert***, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986).

The record discloses no arguable basis for challenging the sentence imposed. Before imposing a sentence authorized by law, the court considered the seriousness of the offenses,

Robbins' character, including his criminal history, the need to protect the public, and the mitigating factors Robbins raised. *See* ***State v. Gallion***, 2004 WI 42, 270 Wis. 2d 535, 678 N.W.2d 197. Under these circumstances, it cannot reasonably be argued that Robbins' sentence is so excessive as to shock public sentiment. *See* ***Ocanas v. State***, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

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

Therefore,

IT IS ORDERED that the judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Erica L. Bauer is relieved of further representing Robbins in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals