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DISTRICT I/III

February 12, 2013

To:

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

2012AP1764-CRNM State of Wisconsin v. Christine Krumrei
2012AP1765-CRNM (L. C. #s 2007CM3999 and 2010CF4574)

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

Counsel for Christine Krumrei has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12),[1] concluding no grounds exist to challenge Krumrei's convictions for six counts of burglary to a building or dwelling and one count of criminal damage to property. Krumrei was informed of her 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***,

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

386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgments of conviction. *See* WIS. STAT. RULE 809.21.

In Milwaukee County Circuit Court case No. 2007CM3999, the State charged Krumrei with criminal damage to property. When Krumrei failed to make her initial appearance, an arrest warrant was issued. Krumrei was returned on the warrant in September 2010, and charged in Milwaukee County Circuit Court case No. 2010CF4574 with six counts of burglary to a building or dwelling. Pursuant to a drug treatment court deferred entry of judgment agreement, Krumrei pleaded guilty to all seven counts arising from the two cases. In exchange for Krumrei's guilty pleas, the State agreed to read in an additional burglary allegation and join in defense counsel's recommendation to defer entry of the judgments of conviction for at least twelve, but no more than eighteen, months. If Krumrei complied with the conditions of the agreement during the deferral period, the State would move to dismiss all but one of the burglary charges and recommend a time-served disposition on the remaining count. If Krumrei failed to comply, the State would join defense counsel's recommendation for a sentence totaling four years, consisting of two years' initial confinement and two years' extended supervision. The court accepted Krumrei's guilty pleas and the deferred entry of judgment agreement.

The deferred entry of judgment agreement was later revoked. Out of a maximum possible sentence of seventy-five years and nine months, the court imposed concurrent sentences resulting in a total term of five and one-half years, consisting of thirty months' initial confinement and thirty-six months' extended supervision.

The record discloses no arguable basis for withdrawing Krumrei's guilty pleas. The court's respective plea colloquies, as supplemented by plea questionnaire and waiver of rights forms that Krumrei completed, informed Krumrei of the elements of the offenses, the penalties that could be imposed, and the constitutional rights she waived by entering guilty pleas. The court ascertained that medications Krumrei was taking did not interfere with her ability to understand the proceedings. The court advised Krumrei of the deportation consequences of her pleas, as mandated by WIS. STAT. § 971.08(1)(c), and confirmed Krumrei's 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 complaints to support Krumrei's 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).

Any claim that the circuit court erred by revoking the deferred entry of judgment agreement would lack arguable merit. Krumrei failed to comply with the terms of the agreement by violating several requirements of her drug treatment program—specifically, Krumrei had several positive drug tests, missed appointments, missed court appearances and failed to follow program protocol. Because Krumrei's conduct violated the terms of the agreement, there is no arguable merit to argue the deferred entry of judgment agreement was improperly revoked.

Finally, 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, Krumrei's character, the need to protect the public, and the mitigating factors Krumrei 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 Krumrei's 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 judgments are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Thomas J. Erickson is relieved of further representing Krumrei in these matters. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals