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March 12, 2013

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

2012AP1687-CRNM	State of Wisconsin v. Aaron N. Black
2012AP1688-CRNM	(L. C. Nos. 2011CM48, 2011CM52, 2011CM100)
2012AP1689-CRNM	

Before Thomas Cane, Reserve Judge.¹

Counsel for Aaron Black has filed a no-merit report concluding there is no arguable basis for Black to appeal judgments convicting him of disorderly conduct and six counts of misdemeanor bail jumping, all as a habitual offender. Black was advised of his right to respond

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2). All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

to the report and has not responded. Upon this court's independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), no issue of arguable merit appears.

Black was charged with disorderly conduct and seventeen counts of bail jumping. The complaint alleged that Black arrived intoxicated at the victim's residence, forced his way into her bedroom and threatened her. Pursuant to a plea agreement, he pled no contest to disorderly conduct and six counts of bail jumping as a repeat offender. The remaining counts of bail jumping were dismissed and read-in for sentencing purposes. The court accepted the no contest pleas and placed Black on probation for three years with conditions of probation including forty days' confinement on each of the bail jumping convictions and thirty days' confinement on the disorderly conduct conviction, all to be served consecutively with each other and with any other sentence.

The record discloses no arguable manifest injustice upon which Black could withdraw his no contest pleas. See *State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The court's colloquy, supplemented by a plea questionnaire and waiver of rights form with attached jury instructions, fully informed Black of the elements of the offenses, the potential penalties and the constitutional rights he waived by pleading no contest. Black confirmed that he was a repeat offender by virtue of a felony conviction. As required by *State v. Hampton*, 2004 WI 117, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, the court also informed Black that it was not required to accept the parties' sentence recommendations. The record shows the pleas were knowingly, voluntarily and intelligently entered. See *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). Entry of valid no contest pleas constitutes a waiver of all nonjurisdictional defects and defenses. *Id.* at 293.

The record also discloses no arguable basis for challenging the court's sentencing discretion. The court could have imposed consecutive sentences totaling fourteen years' imprisonment. A sentence that is well within the statutory maximum is presumptively not unduly harsh or excessive. *State v. Grindemann*, 2002 WI App 106, ¶31, 255 Wis. 2d 632, 648 N.W.2d 507. The court appropriately considered the seriousness of the offenses, Black's substantial criminal record and his willingness to completely ignore court orders that he have no contact with the victim.

This court's independent review of the record discloses no other potential issue for appeal. Therefore,

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

IT IS FURTHER ORDERED that attorney William Schmaal is relieved of his obligation to further represent Aaron Black in these matters. WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals