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**WISCONSIN COURT OF APPEALS**

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**DISTRICT III**

March 26, 2013

To:

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

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2012AP2450-CRNM      State of Wisconsin v. Allan J. Wickware  
2012AP2451-CRNM      (L. C. ## 2009CF81, 2010CF37)

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

Counsel for Allan J. Wickware has filed a no-merit report concluding there is no arguable basis for Wickware to challenge the sentences imposed following revocation of his probation. Wickware was advised of his right to respond to the report and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable basis for appeal.

In November and December 2010, Wickware pleaded guilty to possession with intent to deliver THC and possession of methamphetamine. In both cases, the court withheld sentence and placed Wickware on probation with twelve months in jail as a condition of probation. Wickware violated the terms of his probation and the court imposed consecutive sentences totaling two and one-half years' initial confinement and three years' extended supervision.

Neither the initial pleas nor the revocation is the subject of this appeal. The issues that can be raised on appeal from a judgment imposing a sentence after revocation are limited to the sentences imposed upon revocation. *State v. Tobey*, 200 Wis. 2d 781, 784, 548 N.W.2d 95 (Ct. App. 1996).

The record discloses no arguable basis upon which Wickware could challenge the sentencing court's discretion. The court appropriately considered the seriousness of the offenses, Wickware's character and the need to protect the public. *See State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The court considered no improper factors and the sentences imposed are not arguably so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Wickware apparently told his postconviction counsel that he believes he should have received jail-time credit for each of the sentences based on the year he spent incarcerated as a condition of probation. Dual credit is not allowed when consecutive sentences are imposed. *State v. Boettcher*, 144 Wis. 2d 86, 87, 423 N.W.2d 533 (1988).

Our 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  
(2011-12).

IT IS FURTHER ORDERED that attorney John Bachman is relieved of his obligation to  
further represent Wickware in these matters. WIS. STAT. RULE 809.32(3) (2011-12).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*