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DISTRICT I

April 3, 3013

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

2012AP2776-CRNM State of Wisconsin v. Rorey A. Perry (L.C. #2011CF2797)

Before Curley, P.J., Fine and Brennan, JJ.

Rorey A. Perry appeals a judgment convicting him of one count of burglary, as a party to a crime. Joseph E. Redding, Esq., filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32, and ***Anders v. California***, 386 U.S. 738, 744 (1967). Perry was informed of his right to respond, but has not responded. After considering the no-merit report and after conducting an independent review of the Record, we agree with counsel's assessment that there are no arguably meritorious appellate issues. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The no-merit report first addresses whether there would be arguable merit to an appellate challenge to Perry's guilty plea. The plea colloquy complied in all respects with the requirements of WIS. STAT. § 971.08, and ***State v. Bangert***, 131 Wis. 2d 246, 266–272, 389 N.W.2d 12, 16 (1986). The prosecutor explained the plea agreement on the record and Perry acknowledged that he understood it. The circuit court addressed whether Perry understood the elements of the charge against him, including the meaning of being charged as a party to a crime, the maximum penalties he faced, and the constitutional rights he would be waiving by entering a plea. The circuit court also ascertained that Perry had reviewed a plea questionnaire and waiver-of-rights form with his attorney. *See* ***State v. Moederndorfer***, 141 Wis. 2d 823, 827–828, 416 N.W.2d 627, 629–630 (Ct. App. 1987). Perry acknowledged that the complaint provided a sufficient factual basis for the plea. We therefore conclude that there would be no arguable merit to an appellate challenge involving the plea.

The no-merit report next addresses whether there would be arguable merit to a claim that the sentence imposed on Perry was a misuse of discretion. The circuit court sentenced Perry to five years of imprisonment, with thirty months of initial confinement and thirty months of extended supervision. In framing its sentence, the circuit court considered Perry's character, the rights of the victim and the public, the need to punish Perry, particularly because he was on probation when he committed the offense, and other factors relevant to the sentencing determination. *See* ***State v. Gallion***, 2004 WI 42, ¶¶39–46, 270 Wis. 2d 535, 556–560, 678 N.W.2d 197, 207–208. The circuit court explained its application of the various sentencing considerations in accordance with the framework set forth in ***Gallion***, and reached a reasoned and reasonable result. Therefore, we conclude that there would be no arguable merit to an appellate claim that the circuit court misused its sentencing discretion.

Our independent review of the Record reveals no potential issues for appeal. Therefore, we affirm the judgment of conviction and relieve Redding of further representation of Perry in this matter.

IT IS ORDERED that the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Joseph E. Redding, Esq., is relieved of any further representation of Perry in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals