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DISTRICT IV

May 6, 2013

To:

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

2012AP1261-CRNM State of Wisconsin v. Jamaine K. Martin (L.C. #2010CM3677)

Before Higginbotham, J.¹

Attorney Faun Moses, appointed counsel for Jamaine Martin, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Martin with a copy of the report, and both counsel and this court advised him

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

of his right to file a response. Martin has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Martin pled no contest to one misdemeanor battery count. He was placed on probation. Probation was revoked and the court sentenced Martin to six months, to be served in the state prison system.

An appeal from sentencing after revocation of probation does not bring before us the original judgment of conviction unless the appellant shows good cause to extend the time to appeal from that judgment under WIS. STAT. RULE 809.82(2). *See State v. Drake*, 184 Wis. 2d 396, 399, 515 N.W.2d 923 (Ct. App. 1994). No good cause appears in the record to extend Martin's time to appeal from the original judgment of conviction, and therefore, only issues related to the most recent sentencing are before us now.

The no-merit report addresses whether the sentence is within the legal maximum and whether the court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well-established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors such as Martin's apparent anger issues and history of mistreating women, his lack of success on probation, the need for treatment, and Martin's otherwise good character. The court did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Moses is relieved of further representation of Martin in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals