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**DISTRICT IV**

May 8, 2013

To:

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

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2012AP1262-CRNM      State of Wisconsin v. Jamaine K. Martin (L.C. #2010CF49)

Before Lundsten, P.J., Higginbotham and Sherman, JJ.

Attorney Faun Moses, appointed counsel for Jamaine Martin, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12)<sup>1</sup> 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 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

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

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 felony count of strangulation and suffocation and two misdemeanor battery counts. He was placed on probation for all counts. Probation was revoked and sentencing occurred on the misdemeanor counts. Later, probation was revoked on the felony count and the court sentenced Martin to eighteen months of initial confinement and thirty months of extended supervision.

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 or the first sentencing after revocation, 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 the repeated nature of similar conduct since this conviction, Martin's apparent difficulty with anger management, the need to protect the community, 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).

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