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DISTRICT IV

May 17, 2013

To:

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

2012AP898-CRNM State of Wisconsin v. James T. Richardson (L.C. #2011CF224)

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

Attorney Roberta Heckes, appointed counsel for James Richardson, has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2011-12).¹ Counsel provided Richardson with a copy of the report, and both counsel and this court advised him of his right to file a response. Richardson has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21(1). After our

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

independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Richardson pled guilty to one count of first-degree intentional homicide and one count of hiding a corpse. The court imposed a life sentence without possibility of release and a consecutive sentence of five years of initial confinement and five years of extended supervision.

The no-merit report addresses whether Richardson's pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Bangert*, 131 Wis. 2d 246, 389 N.W.2d 12 (1986), and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Richardson was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses 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 premeditated and "cold-blooded" nature of the homicide, his failure to express remorse, the impact on the community, Richardson's lying to the victim's mother, Richardson's prior record, and his prompt acceptance of responsibility after charges were filed insofar as he waived a preliminary hearing and entered guilty pleas. 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(1).

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

Diane M. Fremgen
Clerk of Court of Appeals