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**WISCONSIN COURT OF APPEALS**

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**DISTRICT II/IV**

June 24, 2013

To:

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

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2012AP1388-CRNM      State of Wisconsin v. Steven M. Bates (L.C. # 2011CM1842)

Before Blanchard, J.<sup>1</sup>

Attorney William Schmaal, appointed counsel for Steven Bates, has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. Counsel provided Bates with a copy of the report, and Bates responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1). After our

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<sup>1</sup> 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.

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

Bates pled guilty to one count of criminal damage to property, as a repeater. The court imposed a sentence of thirteen months in prison and eleven months of extended supervision.

The no-merit report addresses whether Bates's plea was entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Bangert*, 131 Wis. 2d 246, 255-73, 389 N.W.2d 12 (1986), and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Bates 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 Bates's dangerousness and the need for treatment. The court did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

In Bates's response, he asserts that the record is not correct in some instances and is hearsay. However, he does identify any specific error in the record, or explain what the correct record would show. His response gives no reason to believe there is an issue with arguable merit.

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 Schmaal is relieved of further representation of Bates in this matter. *See* WIS. STAT. RULE 809.32(3).

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