

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

January 21, 1999

Marilyn L. Graves  
Clerk, Court of Appeals  
of Wisconsin

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

**No. 98-2671-CRNM**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**STEVEN V. CONLAN,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment of the circuit court for Jefferson County:  
JACQUELINE R. ERWIN, Judge. *Affirmed.*

ROGGENSACK, J.<sup>1</sup> Steven V. Conlan appeals from a judgment convicting him of disorderly conduct contrary to § 947.01, STATS. Conlan entered a no contest plea, the court withheld sentence and placed him on probation for one year with conditions.

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<sup>1</sup> This appeal is decided by one judge pursuant to § 752.31(2)(f), STATS.

Conlan's appellate counsel filed a no merit report pursuant to RULE 809.32, STATS., and *Anders v. California*, 386 U.S. 738 (1967). Conlan received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders*, we conclude that there is no arguable merit to any issue that could be raised on appeal. Therefore, we affirm the judgment of conviction.

Our review of the record discloses that Conlan's no contest plea was knowingly, voluntarily and intelligently entered. *See State v. Bangert*, 131 Wis.2d 246, 260, 389 N.W.2d 12, 20 (1986). The court confirmed that Conlan desired to plead no contest, advised Conlan of the maximum possible punishment for the crime, confirmed his age and the extent of his education and that he understood the proceedings and his attorneys. The court reviewed the elements of the crime, enumerated the various constitutional rights Conlan would waive by his plea and confirmed that Conlan understood those rights. The court found an adequate factual basis for the plea based upon the allegations in the criminal complaint. The court then accepted Conlan's plea as having been knowingly, voluntarily and intelligently entered.

Based on the plea colloquy, we conclude that a challenge to Conlan's no contest plea as unknowing or involuntary would lack arguable merit. Furthermore, Conlan's plea waived any nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *See State v. Princess Cinema of Milwaukee, Inc.*, 96 Wis.2d 646, 651, 292 N.W.2d 807, 810 (1980). Additionally, the plea questionnaire and waiver of rights form Conlan signed is competent evidence of a knowing and voluntary plea. *See State v. Moederndorfer*, 141 Wis.2d 823, 827-29, 416 N.W.2d 627, 629-30 (Ct. App. 1987).

We have also independently reviewed the sentence. Sentencing lies within the sound discretion of the trial court, and a strong policy exists against appellate interference with that discretion. *See State v. Haskins*, 139 Wis.2d 257, 268, 407 N.W.2d 309, 314 (Ct. App. 1987). Our review of the sentencing transcript reveals that the court properly exercised its sentencing discretion.

We affirm the judgment of conviction and relieve Attorney Steven D. Phillips of further representation of Steven V. Conlan in this matter.

*By the Court.*—Judgment affirmed.