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DISTRICT IV

January 15, 2016

To:

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Waupaca, WI 54981

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

2014AP567-CRNM	State of Wisconsin v. Justin M. Baumgardt (L.C. #2012CF92)
2014AP568-CRNM	State of Wisconsin v. Justin M. Baumgardt (L.C. # 2012CF118)

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

Attorney John Bachman, appointed counsel for Justin Baumgardt, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2013-14)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Baumgardt with a copy of the report, and Baumgardt responded to it. We conclude that these cases are appropriate for summary disposition. See WIS. STAT. RULE

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

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

Baumgardt pled no contest to one count of robbery and one count of forgery. The court imposed a sentence of six years of initial confinement and four years of extended supervision on the robbery count, and a lesser concurrent sentence on the forgery count.

The no-merit report addresses whether Baumgardt's pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Baumgardt 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 sentences are within the legal maximum and whether the court erroneously exercised its sentencing discretion. The sentences are within the maximum. 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, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

In our order of October 15, 2015, in response to concerns raised in Baumgardt's response, we directed Baumgardt's attorney to consult with him and further address the issue of restitution. Counsel has submitted an affidavit stating that he has since written to Baumgardt twice, but Baumgardt has not responded. Baumgardt has not informed us that the affidavit is

incorrect. Therefore, we conclude that he has decided not to pursue any issue related to restitution, and we do not discuss that issue further.

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

Therefore,

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

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

Diane M. Fremgen
Clerk of Court of Appeals