

## OFFICE OF THE CLERK WISCONSIN COURT OF APPEALS

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## **DISTRICT II**

December 28, 2016

To: Hon. I Circui

Hon. Eugene A. Gasiorkiewicz Circuit Court Judge Racine County Courthouse 730 Wisconsin Avenue Racine, WI 53403

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

2016AP1051-CRNM State of Wisconsin v. Melvin Bridges (L.C. # 2014CF1690)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

Melvin Bridges appeals from a judgment convicting him of possession of cocaine with intent to deliver (between five and fifteen grams) as a second or subsequent offense. Bridges' appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2013-14)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Bridges received a copy of the report, was advised of his right to file a response, and has elected not to do so. After reviewing the record and

<sup>&</sup>lt;sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version.

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counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. WIS. STAT. RULE 809.21.

In August 2015, Bridges pled guilty to possession of cocaine with intent to deliver (between five and fifteen grams) as a second or subsequent offense. The charge stemmed from the discovery of drugs in Bridges' vehicle following a lawful traffic stop.<sup>2</sup> Bridges admitted that the drugs were his and also acknowledged having previously been convicted of a similar offense. The circuit court sentenced Bridges to six years of initial confinement followed by four years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether Bridges' guilty plea was knowingly, voluntarily, and intelligently entered. The record shows that the circuit court engaged in a colloquy with Bridges that satisfied the applicable requirements of WIS. STAT. § 971.08(1) and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. In addition, a signed plea questionnaire and waiver of rights form was entered into the record, along with an attachment detailing the elements of the offense. We agree with counsel that a challenge to the entry of Bridges' guilty plea would lack arguable merit.

The no-merit report also addresses whether the circuit court properly exercised its discretion at sentencing. The record reveals that the court's sentencing decision had a "rational

<sup>&</sup>lt;sup>2</sup> Bridges was parked in a no-parking zone. When a police officer approached his vehicle, he detected a strong smell of marijuana emanating from it. The officer also had grounds to believe that the vehicle contained contraband based upon a confidential informant's tip that Bridges had been selling cocaine out of it.

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and explainable basis." *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (citation omitted). In making its decision, the court considered the seriousness of the offense, Bridges' character, and the need to protect the public. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Under the circumstances of the case, which were aggravated by Bridges' history of related offenses, the sentence imposed does not "shock public sentiment and violate the judgment of reasonable people concerning what is right and proper." *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Accordingly, we agree with counsel that a challenge to Bridges' sentence would lack arguable merit.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Angela C. Kachelski of further representation in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Angela C. Kachelski is relieved of further representation of Bridges in this matter.

Diane M. Fremgen Clerk of Court of Appeals

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