COURT OF APPEALS
DECISION
DATED AND FILED

June 11, 1998

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

No. 96-2795-CR

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT IV

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

DENNIS L. FARR,

DEFENDANT-APPELLANT.

APPEAL from a judgment and an order of the circuit court for Dane County: DANIEL R. MOESER, Judge. *Affirmed.*

Before Eich, C.J., Dykman, P.J., and Vergeront, J.

PER CURIAM. Dennis Farr appeals from a judgment convicting him of felony bail jumping, § 946.49(1)(b), STATS., and communicating with jurors, § 946.64, STATS. Farr raises numerous issues, none having merit. We therefore affirm.

Pursuant to a plea bargain, Farr entered an ***Alford*** plea on the two charges identified above. In return for the plea, the State dismissed a second bail jumping count and agreed to recommend a sentence of no more than five years in prison.

After sentencing, Farr moved to withdraw the plea. At the hearing on his motion, Farr testified that trial counsel did not explain to him that he had valid defenses to the charges. That omission, coupled with his disturbed mental state, caused him to involuntarily enter the plea, he asserted. The trial court rejected that testimony as incredible, however, and denied the motion. The trial court also denied claims that the complaint was insufficient, that the two charges were impermissibly inconsistent, that Farr was subjected to double jeopardy, that this was a vindictive and retaliatory prosecution, and that the trial court should have modified his fifteen-month prison sentence.

Farr's brief first challenges our decision on numerous motions he filed during the pendency of this appeal. He has not shown good cause to now reconsider any of these decisions, all of which were the subject of unsuccessful reconsideration motions when issued, as well.

Farr contends that the prosecution subjected him to double jeopardy. One may be prosecuted on an underlying charge and for violating a condition of bail while that charge was pending without subjecting the defendant to double jeopardy. ***State v. Harris***, 190 Wis.2d 718, 724, 528 N.W.2d 7, 9 (Ct. App. 1994).

Farr next complains about biased judges, both in his underlying prosecution and in this case. To the extent he is alleging bias in this case, he has not cited any proof of record to substantiate his charge. This appeal does not

concern the underlying prosecution and we will not address the allegations against the judge in that case.

The trial court properly denied Farr's motion to withdraw his plea. Farr claims an inadequate factual basis for the charges. The bail jumping charge originated from Farr's failure to appear for the trial on the underlying charge. The jury tampering charge resulted from a letter mailed to a juror selected for that trial in which Farr presented exculpatory material about himself. It is a matter of record that Farr knew the date of the trial and chose not to appear because he believed that the court had no jurisdiction over him. It is also a matter of record that he mailed the letter to the juror, and that he admitted mailing it. He therefore cannot reasonably contend that the State's proof of guilt was inadequate to sustain his ***Alford*** plea. *See* ***State v. Spears***, 147 Wis.2d 429, 435, 433 N.W.2d 595, 598 (Ct. App. 1988) (the State must offer strong proof of guilt, although not proof beyond a reasonable doubt, to sustain an ***Alford*** plea).

We also reject Farr's contention that his plea was involuntary. The trial court disbelieved his testimony concerning his state of mind and counsel's alleged inadequacies. That credibility determination is not subject to review. ***Turner v. State***, 76 Wis.2d 1, 18, 250 N.W.2d 706, 715 (1977). There is no other evidence of involuntariness in the record, or of any meritorious defenses Farr could have pursued had he known of them.

Farr raises other issues concerning the underlying prosecution. Those issues are outside the record in this case and we decline to address them.

By the Court.—Judgment and order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.