

**COURT OF APPEALS
DECISION
DATED AND FILED**

April 9, 1998

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. 97-3230

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

NATHAN GILLIS,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Dane County:
P. CHARLES JONES, Judge. *Affirmed.*

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

PER CURIAM. Nathan Gillis, pro se, appeals the trial court's order denying his postconviction motion brought pursuant to § 974.06, STATS. Following our review of the record, the briefs and the governing law, we conclude that the trial court's decision denying the postconviction motion correctly addresses Gillis's arguments and applies the appropriate law to the

facts. Gillis has failed to show a “sufficient reason” for not raising his claims during his direct appeal.¹ See *State v. Escalona-Naranjo*, 185 Wis.2d 168, 181-84, 517 N.W.2d 157, 162-63 (1994). We incorporate the trial court’s decision into this opinion and affirm the order on that basis. See WIS. CT. APP. IOP VI(5)(a) (June 13, 1994) (appeals court may incorporate trial court’s decision where that decision adequately expresses appellate court’s view of the law).

By the Court.—Order affirmed.

This opinion will not be published.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

¹ On March 7, 1996, we affirmed the judgment of conviction concluding that “any further appellate proceedings would be without arguable merit and would be wholly frivolous.” See *Anders v. California*, 386 U.S. 738 (1967), and RULE 809.32, STATS. Gillis was advised of his right to respond to the no merit report filed by his appointed appellate counsel, raising any issues he believed were arguably meritorious, but he did not do so.

AN EXHIBIT HAS BEEN ATTACHED TO THIS OPINION. THE EXHIBIT CAN BE OBTAINED UNDER SEPARATE COVER BY CONTACTING THE WISCONSIN COURT OF APPEALS.

COURT OF APPEALS
OF WISCONSIN
ROOM 215, 110 E. MAIN STREET
POST OFFICE BOX 1688
MADISON, WISCONSIN 53701-1688
TELEPHONE: (608) 266-1880
FAX: (608) 267-0640

Marilyn L. Graves, Clerk
Court of Appeals

