

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 3, 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. 97-3774-CR-NM

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

MICHAEL P. BLAKE,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Marquette County:
RICHARD O. WRIGHT, Judge. *Affirmed.*

Before Dykman, P.J., Roggensack and Deininger, JJ.

PER CURIAM. Attorney Tim Provis, appointed counsel for Michael P. Blake, has filed a no merit report pursuant to RULE 809.32, STATS. Counsel provided Blake with a copy of the report, and both counsel and this court advised him of his right to file a response. Blake has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S.

738 (1967), we conclude there is no arguable merit to any issue that could be raised on appeal.

Blake was charged with one count of taking and driving a motor vehicle of another, contrary to § 943.23(2), STATS. The complaint alleged that he and others took the car from a parking lot, and that Blake drove the car for a time. Blake pled no contest. The court sentenced him to four years in the intensive sanctions program, with a minimum of one year confinement.

The no merit report addresses whether Blake's plea was voluntarily, knowingly and intelligently entered. The trial court must comply with certain procedures before accepting a guilty or no contest plea. *See* § 971.08(1), STATS., and *State v. Bangert*, 131 Wis.2d 246, 389 N.W.2d 12 (1986). Here, the trial court properly reviewed the nature of the charges and Blake's rights, and found a factual basis for the plea. There would be no arguable merit to this issue.

The no merit report also considers whether the court erroneously exercised its discretion in sentencing Blake. The appropriate factors are well-established, and need not be repeated here. *See State v. Thompson*, 172 Wis.2d 257, 263-65, 493 N.W.2d 729, 732-33 (Ct. App. 1992). The factors considered by the court in sentencing Blake were appropriate. There is no arguable merit to this issue.

Our review of the record discloses no other potential issues for appeal. Attorney Provis is relieved of further representing Blake in this matter.

By the Court.—Judgment affirmed.

