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DISTRICT III

February 21, 2018

To:

Hon. James C. Babler
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Justin M. Pfaff
113 Second Avenue, #A
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You are hereby notified that the Court has entered the following opinion and order:

2017AP1319-CRNM State of Wisconsin v. Justin M. Pfaff (L. C. No. 2015CF459)

Before Stark, P.J., Hruz and Seidl, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Counsel for Justin Pfaff has filed a no-merit report concluding there is no arguable basis for Pfaff to withdraw his guilty plea or to challenge the sentence imposed for receiving stolen property. Pfaff was advised of his right to respond to the report and 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 basis for appeal.

Pfaff was originally charged with concealing stolen property, a Class G Felony with a maximum penalty of ten years' imprisonment and a \$25,000 fine. After the circuit court denied his motion to suppress statements he made while the police were executing a search warrant, Pfaff entered a guilty plea to a reduced charge of receiving stolen property valued between \$2500 and \$5000, a Class I Felony with a maximum penalty of three years and six months' imprisonment and a \$10,000 fine. The court imposed and stayed a sentence of one and one-half years' initial confinement and two years' extended supervision, consecutive to a sentence Pfaff was then serving, and placed Pfaff on probation for three years.

The no-merit report addresses whether the circuit court properly denied the motion to suppress Pfaff's statements, whether the guilty plea was knowingly, voluntarily and intelligently entered, and whether the sentencing court properly exercised its discretion. Our independent review of the record confirms counsel's analysis that none of those issues present a meritorious basis for relief.

Our independent review of the record discloses no other potential issue for appeal. Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed. WIS. STAT. RULE 809.21 (2015-16).

IT IS FURTHER ORDERED that attorney Diane Lowe is relieved of her obligation to further represent Pfaff in this matter. WIS. STAT. RULE 809.32(3) (2015-16).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals