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

2019AP2420-CRNM State of Wisconsin v. Quincy T. Qualls (L.C. # 2017CF3347)

Before Brash, P.J., Dugan and White, 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).

Quincy T. Qualls appeals a judgment convicting him of felony murder. Attorney Jaymes K. Fenton, who was appointed to represent Qualls, filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738, 744 (1967). Qualls was served with a copy of the no-merit report and

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

was advised of his right to respond, but he has not done so. After considering the no-merit report and conducting an independent review of the record as mandated by *Anders*, we conclude that there are no issues of arguable merit that Qualls could raise on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

Qualls and two other people committed a violent burglary of the victim's home. They tied the seventy-year-old victim up and violently beat him, resulting in his death. On the day the trial was set to commence, Qualls pled guilty to felony murder pursuant to a plea agreement. The circuit court sentenced him to twenty years of initial confinement and five years of extended supervision.

The no-merit report first addresses whether there would be arguable merit to a claim that Qualls should be allowed to withdraw his guilty plea because it was not knowingly, intelligently, and voluntarily entered. In order to ensure that a defendant is knowingly, intelligently, and voluntarily waiving the right to trial by entering a guilty plea, the circuit court must conduct a colloquy with the defendant to ascertain whether the defendant understands the elements of the crime to which he is pleading guilty, the constitutional rights he is waiving by entering the plea, and the maximum potential penalties that could be imposed. *See State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906; *see also* WIS. STAT. § 971.08. The circuit court's colloquy with Qualls fully complied with § 971.08. Moreover, Qualls acknowledged during the plea colloquy that he reviewed and signed a plea questionnaire and waiver of rights form that listed the rights he was waiving by entering a plea, the penalties he faced and, in an attachment, the elements of the charge against him. *See State v. Hoppe*, 2009 WI 41, ¶42, 317 Wis. 2d 161, 765 N.W.2d 794 (citation omitted) (a plea questionnaire and waiver of rights form that the defendant has acknowledged reviewing and understanding may reduce "the extent and degree of

the colloquy otherwise required between the trial court and the defendant[.]”) Based on the circuit court’s plea colloquy with Qualls, there would be no arguable merit to an appellate challenge to Qualls’s guilty plea.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court erroneously exercised its sentencing discretion. The circuit court sentenced Qualls to twenty years of initial confinement and five years of extended supervision. The circuit court considered the objectives of sentencing and the appropriate sentencing factors, applied the factors to the facts of this case, and reached a reasonable sentencing decision. *See State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. Therefore, there would be no arguable merit to a claim that the circuit court misused its sentencing discretion.

Our independent review of the record also reveals no arguable basis for reversing the judgment of conviction. Therefore, we affirm the judgment and relieve counsel from further representation of Qualls.

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

IT IS FURTHER ORDERED that Attorney Jaymes K. Fenton is relieved of any further representation of Qualls in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals