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**DISTRICT II**

December 16, 2015

To:

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

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2015AP1295-CRNM      State of Wisconsin v. Phillip C. Jones (L.C. # 2014CF663)

Before Reilly, P.J., Gundrum and Hagedorn, JJ.

Phillip C. Jones appeals from a judgment convicting him of possession of a firearm by a felon as a repeater. Jones' appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2013-14)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Jones received a copy of the report, was advised of his right to file a response, and has elected not to do so. After reviewing

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version.

the record and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. WIS. STAT. RULE 809.21.

In October 2014, Jones pled guilty to possession of a firearm by a felon as a repeater. The charge stemmed his actions following a friend's accidental self-shooting. In an attempt to cover for his friend, who was also a convicted felon, Jones took the friend's gun and hid it from police. For his crime, the circuit court sentenced Jones to six years of initial confinement and four years of extended supervision. This no-merit appeal follows.

The no-merit report first addresses whether Jones' guilty plea was knowingly, voluntarily, and intelligently entered. The record shows that the circuit court engaged in a colloquy with Jones that satisfied the applicable requirements of WIS. STAT. § 971.08(1) and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906.<sup>2</sup> A signed plea questionnaire and waiver of rights form was entered into the record. Furthermore, the court correctly determined that the allegations in the complaint provided a sufficient factual basis for the plea. We agree with counsel that a challenge to the entry of Jones' guilty plea would lack arguable merit.

The no-merit report also addresses whether the circuit court properly exercised its discretion at sentencing. The record reveals that the court's sentencing decision had a "rational and explainable basis." *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197. The court adequately discussed the facts and factors relevant to Jones' sentence. In fashioning

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<sup>2</sup> There is one exception to this. The circuit court failed to provide the deportation warning required by WIS. STAT. § 971.08(1)(c). This failure does not present a potentially meritorious issue for appeal, however, as there is no indication that Jones' plea is likely to result in his deportation, exclusion from admission to this country, or denial of naturalization. Section 971.08(2).

the sentence, the court considered the seriousness of the offense, Jones' character, and the need to protect the public. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Under the circumstances of the case, which were aggravated by Jones' history of undesirable behavior,<sup>3</sup> the sentence does not "shock public sentiment and violate the judgment of reasonable people concerning what is right and proper." *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Accordingly, we agree with counsel that a challenge to the circuit court's decision at sentencing would lack arguable merit.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Matthew R. Meyer of further representation in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Matthew R. Meyer is relieved of further representation of Jones in this matter.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*

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<sup>3</sup> The circuit court summarized Jones' history as follows: "You've been dealing drugs. You have been slapping women around. You have got seven children by six different women. You're a very irresponsible, promiscuous man, and you take a heavy toll on the community."