

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

June 6, 1995

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.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-0499-CR-NM

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

RAPHAEL L. MURPHY,

Defendant-Appellant.

APPEAL from a judgment of the circuit court for Milwaukee County: JEFFREY A. WAGNER, Judge. *Affirmed.*

Before Sullivan, Fine and Schudson, JJ.

PER CURIAM. Raphael Murphy appeals from the judgment of conviction, entered upon his plea of guilty, for felony murder while attempting armed robbery, party to a crime. See §§ 943.32(1)(a) and (2); § 940.03; § 939.32; and § 939.05, STATS. He was sentenced to twenty-seven years in prison with credit for 117 days.

Murphy's appellate counsel has filed a no merit report pursuant to RULE 809.32, STATS., and *Anders v. California*, 386 U.S. 738 (1967). Murphy has

been provided a copy of the report and informed of his right to file a response. He has filed no response.

The no merit report addresses three issues, whether: (1) the trial court erroneously denied Murphy's *pro se* request for substitution of judge as untimely; (2) Murphy's plea was knowingly, intelligently, and voluntarily entered; and (3) the trial court reasonably exercised its sentencing discretion. The no merit report concluded that the issues were without arguable merit. Based upon our independent review of the record, we conclude that the appellate counsel has correctly reported and analyzed the issues. We conclude that the record reveals no other potential issues of any arguable merit.

Upon consideration of our independent review of the record, we conclude that there is no issue of arguable merit that could be raised on appeal. Therefore, this court affirms the conviction and relieves attorney Ellen Henak of further representation of Murphy in this matter.

By the Court. – Judgment affirmed.