

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

NOTICE

October 9, 1997

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.

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

No. 97-1060-CR-NM

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

KURT A. FLISRAM,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Dane County:
SARA B. O'BRIEN, Judge. *Affirmed.*

Before Eich, C.J., Dykman, P.J., and Vergeront, J.

PER CURIAM. Kurt Flisram appeals his conviction for sixteen counts of burglary, as a party to the crime, having pleaded no contest to the charges and having received a twenty-seven-year prison term, a consecutive eighteen-year group of stayed sentences with probation, and over \$32,000 in restitution. Flisram's counsel has filed a no merit report under *Anders v.*

California, 386 U.S. 738 (1967), and provided Flisram a copy of the report. Flisram has elected not to respond. The no merit report raises two issues: (1) the plea procedures were inadequate; and (2) the sentence was excessive. Upon review of the record, we are satisfied that the no merit report properly analyzes these issues and that the appeal has no merit. Accordingly, we adopt the no merit report, affirm the conviction, and discharge Flisram's appellate counsel of his obligation to represent Flisram further in this appeal.

First, the record shows that Flisram entered an intelligent and voluntary no contest plea. Trial courts should not accept defendants' pleas unless the pleas are intelligent and voluntary. *State v. Bangert*, 131 Wis.2d 246, 257, 389 N.W.2d 12, 19 (1986). The trial court followed the appropriate procedures, extensively questioning Flisram about his plea. The trial court also ascertained Flisram's knowledge of the proceedings and confirmed the existence of an adequate factual basis. Flisram acknowledged that he was waiving valuable legal rights such as the right to a jury trial and a unanimous verdict. Flisram also signed a waiver-of-rights form and had studied it with his counsel. In that form, he expressed an understanding that his plea would waive his right to remain silent, to confront and ask questions of witnesses, to compel the testimony of witnesses on his behalf by subpoena, and to require the prosecution to prove his guilt beyond a reasonable doubt. In short, we see no defects in the plea proceedings.

Second, the trial court issued a proper sentence. Sentencing was a discretionary determination. *State v. Macemon*, 113 Wis.2d 662, 667-68, 335 N.W.2d 402, 405-06 (1983). Trial courts base their sentencing decisions on factors such as the gravity of the offense, the character of the defendant, the public's need for protection, and the interests of deterrence. *State v. Sarabia*, 118 Wis.2d 655, 673-74, 348 N.W.2d 527, 537 (1984). Flisram had prior convictions

and probation violations. In his current wrongdoing, he was convicted of a large number of serious crimes, and others were read in. Some of the burglaries included vandalism, and the trial court acknowledged that they had a certain amount of sophistication and planning. The trial court also expressed concern over Flisram's evident lack of remorse. The trial court applied the relevant sentencing factors to Flisram's crimes, issuing sentences that commensurate with Flisram's culpability, his criminal justice record, the severity of his crimes, the protection of the public, and the need to deter Flisram and other like-minded wrongdoers from such criminal activity. In sum, the trial court's findings represent a balanced exercise of sentencing discretion, and we see nothing excessive in Flisram's sentence.

By the Court.—Judgment affirmed.

