COURT OF APPEALS
DECISION
DATED AND FILED

October 23, 1997

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

NOTICE

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

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.

No. 97-2280-CR-NM
97-2281-CR-NM
97-2282-CR-NM
97-2283-CR-NM

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT IV

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

JERROLD T. MCGUIRE,

DEFENDANT-APPELLANT.

APPEAL from judgments of the circuit court for La Crosse County: DENNIS G. MONTABON, Judge. *Affirmed.*

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

PER CURIAM. Jerrold McGuire appeals from judgments convicting him of burglary, forging checks, theft, theft by fraud, theft of a financial transaction card and fraudulent use of a financial transaction card. McGuire was convicted of these offenses as a repeat offender under § 939.62,

STATS. McGuire's appointed appellate counsel filed a no merit report pursuant to RULE 809.32, STATS. and ***Anders v. California***, 386 U.S. 738 (1967). McGuire received the report and was advised of his right to file a response, but did not do so. After considering the report and conducting an independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

The no merit report addresses whether McGuire's sentences were properly enhanced under the repeat offender statute. We agree with the no merit report's analysis of this issue and its conclusion that McGuire was properly sentenced. McGuire pled guilty to the charges after an extensive colloquy with the trial court in which he was informed of the repeater allegations on each charge and their penalties. McGuire informed the court that he understood the charges and did not dispute them. The written plea agreement, which McGuire signed, specifically stated that McGuire was charged as a repeat offender. McGuire indicated at the plea hearing that he understood the agreement, had read it, and had discussed it with his attorney. Under these circumstances, McGuire's guilty plea to the charges containing the repeater allegations constituted an admission that the repeater statute applied. *See* ***State v. Rachwal***, 159 Wis.2d 494, 509, 465 N.W.2d 490, 496 (1991). We conclude there would be no arguable merit to raising this issue on appeal.

Our independent review of the record reveals no other potential issues. Therefore, we affirm the judgments of conviction and relieve Attorney Daniel Ryan of further representing McGuire in this matter.

By the Court.—Judgments affirmed.