

**COURT OF APPEALS
DECISION
DATED AND FILED**

December 29, 1999

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. 99-2222-FT

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

**IN THE INTEREST OF KRISTOPHER P., A
PERSON UNDER THE AGE OF 17:**

STATE OF WISCONSIN,

**PETITIONER-
RESPONDENT,**

v.

KRISTOPHER P.,

**RESPONDENT-
APPELLANT.**

APPEAL from an order of the circuit court for Sheboygan County:
JAMES J. BOLGERT, Judge. *Affirmed.*

¶1 BROWN, P.J. Kristopher P. appeals from an order denying a postdisposition motion to withdraw his plea of no contest to a charge of escape pursuant to § 946.42(3)(b), STATS. He argues that the statute under which he was

charged does not apply to him under the facts of his case. We apply the “guilty-plea waiver rule” and affirm.

¶2 The guilty-plea waiver rule holds that, generally, a guilty or no contest plea waives all nonjurisdictional defects and defenses. *See State v. Kazee*, 192 Wis.2d 213, 219, 531 N.W.2d 332, 334 (Ct. App. 1995). Here, Kristopher does not contend that the petition fails to charge a crime known to law. Thus, while a court does not have criminal subject matter jurisdiction over a nonexistent offense, that is not the claim made by Kristopher. Because his claim is nonjurisdictional in nature (that the facts do not fit the crime charged), the rule is applicable to this case.

¶3 We acknowledge that this rule does not deprive an appellate court of its subject matter jurisdiction; rather, it is a “rule of administration and not of power.” *State v. Grayson*, 165 Wis.2d 557, 561, 478 N.W.2d 390, 392 (Ct. App. 1991), *aff’d*, 172 Wis.2d 156, 493 N.W.2d 23 (1992). We are more likely to review a claimed error if the issues are of state-wide importance or if resolution will serve the interests of justice. *See id.*; *see also Mack v. State*, 93 Wis.2d 287, 296, 286 N.W.2d 563, 567 (1980).

¶4 We see no issue of state-wide importance here nor do we believe that reaching the merits would serve the interests of justice. Nor do we think it of any moment that the State did not raise the guilty-plea waiver rule before the trial court.

By the Court.—Order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)4, STATS.

