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**DISTRICT III**

July 19, 2016

To:

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Circuit Court Judge  
Taylor County Courthouse  
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Clerk of Circuit Court  
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You are hereby notified that the Court has entered the following opinion order:

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2015AP1995-CRNM      State of Wisconsin v. Sally A. Lis (L. C. No. 2012CF99)

Before Stark, P.J., Hruz and Seidl, JJ.

Counsel for Sally Lis has filed a no-merit report concluding there is no basis for challenging the sentence imposed after revocation of Lis's probation. Lis was informed of her right to file a response to the no-merit report and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude

there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.<sup>1</sup>

In June 2014, Lis pleaded guilty to two counts of failing to report to jail. Consistent with the parties' joint sentence recommendation, the circuit court withheld sentence and imposed two-year probation terms, concurrent with each other but consecutive to any sentence Lis was then serving. Lis's probation was later revoked and, out of a maximum possible twelve-year sentence, the court imposed concurrent four-year sentences, consisting of two years' initial confinement followed by two years' extended supervision.

An appeal from a judgment imposing sentence after probation revocation does not bring the underlying conviction before us. *See State v. Drake*, 184 Wis. 2d 396, 399, 515 N.W.2d 923 (Ct. App. 1994). Additionally, the validity of the probation revocation itself is not the subject of this appeal. *See State ex rel. Flowers v. DHSS*, 81 Wis. 2d 376, 384, 260 N.W.2d 727 (1978) (probation revocation independent from underlying criminal action); *see also State ex rel. Johnson v. Cady*, 50 Wis. 2d 540, 550, 185 N.W.2d 306 (1971) (judicial review of probation revocation is by petition for certiorari in circuit court). This court's review is therefore limited to whether the circuit court properly exercised its sentencing discretion.

There is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. Before imposing a sentence authorized by law, the court considered the seriousness of the offenses; Lis's character, including her criminal history; the need to protect the public; and the mitigating circumstances Lis raised. *See State v. Gallion*, 2004 WI 42, ¶¶39-46,

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

270 Wis. 2d 535, 678 N.W.2d 197. It cannot reasonably be argued that Lis's sentence is so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Our independent review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that attorney John C. Bachman is relieved of further representing Lis in this matter. *See* WIS. STAT. RULE 809.32(3).

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