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**DISTRICT II**

September 19, 2018

To:

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Kenosha County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2017AP2384-CRNM      State of Wisconsin v. Paul M. Lehman (L.C. # 2014CF922)

Before Neubauer, C.J., Reilly, P.J., and Hagedorn, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Paul M. Lehman appeals from a judgment imposing a sentence after the revocation of probation and from an order denying his postconviction motion for modification of a condition of extended release and resentencing. His appellate counsel has filed a no-merit report pursuant

to WIS. STAT. RULE 809.32 (2015-16),<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Lehman received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, the judgment and order are summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Following entry of a guilty plea to strangulation and suffocation of a girlfriend, Lehman was sentenced to three years' probation, with 100 days of conditional jail time. Upon his release from jail on May 28, 2015, Lehman failed to report to his probation agent and was in absconder status until his arrest on March 23, 2016. Lehman's probation was revoked. The sentencing court imposed the maximum sentence of three years' initial confinement and three years' extended supervision. Lehman's postconviction motion challenged the condition of extended supervision that Lehman not reside with anyone of the opposite sex without the court's permission. He also sought resentencing on the grounds that the sentencing court had taken into consideration Lehman's violation of the impermissible condition of probation that Lehman not reside with anyone of the opposite sex and that the court failed to provide an adequate explanation for imposing the maximum sentence. The postconviction motion was denied.

The no-merit report addresses the potential issues of whether the sentencing court erroneously exercised its discretion in imposing the sentence after revocation and whether the condition that Lehman not reside with a member of the opposite sex without court permission is challengeable. This court is satisfied that the no-merit report properly analyzes the issues it

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

raises as without merit, and this court will not discuss them further. We also conclude there is no arguable merit to a claim that the court should have granted the motion for resentencing. The sentencing court's postconviction decision provides additional and sufficient rationale for the maximum sentence.

Our review of the record discloses no other potential issues for appeal.<sup>2</sup> Accordingly, this court accepts the no-merit report, affirms the conviction and order, and discharges appellate counsel of the obligation to represent Lehman further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of conviction and order are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Kaitlin A. Lamb is relieved from further representing Paul M. Lehman in this appeal. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*

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<sup>2</sup> As the no-merit report explains, this appeal brings before the court only the sentence imposed after revocation. *See State v. Scaccio*, 2000 WI App 265, ¶10, 240 Wis. 2d 95, 622 N.W.2d 449. An appeal taken from sentencing after revocation does not bring the original judgment of conviction before this court. *Id.*