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DISTRICT III

October 2, 2018

To:

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

2017AP1571-CRNM State of Wisconsin v. Shawnee M. Chapman
2017AP1572-CRNM (L. C. Nos. 2014CF147, 2014CF253)

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

Counsel for Shawnee Chapman has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16),¹ concluding there is no basis for challenging the sentences imposed after revocation of Chapman's probation. Chapman was informed of her right to respond to the 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 judgments of conviction. See WIS. STAT. RULE 809.21.

On December 10, 2015, Chapman pleaded guilty to one count of possessing an illegally obtained prescription and one count of felony bail jumping—the charges arising from two Oneida County Circuit Court cases. The circuit court withheld sentence in both cases and placed Chapman on probation for a total of three years. Chapman’s probation was later revoked and, out of a maximum possible sentence of six and one-half years, the court imposed concurrent terms resulting in an aggregate three-year sentence, consisting of eighteen months’ initial confinement and eighteen months’ extended supervision.

Although the no-merit report addresses whether there is any arguable basis for challenging Chapman’s guilty pleas, 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 revocations themselves are not the subject of these appeals. See *State ex rel. Flowers v. DHSS*, 81 Wis. 2d 376, 384, 260 N.W.2d 727 (1978) (probation revocation is 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 issues arising from the sentencing after Chapman’s probation revocation.

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

The no-merit report addresses whether the prosecutor had a conflict of interest at the sentencing after revocation, recounting that although the prosecutor never represented Chapman, the prosecutor had previous “involvement” with Chapman in the prosecutor’s former capacity as corporation counsel for social services. The no-merit report relatedly addresses whether Chapman’s trial counsel was ineffective by failing to seek recusal of the prosecutor and also addresses whether the circuit court properly exercised its discretion when imposing the sentences after revocation. Upon reviewing the record, we agree with counsel’s description, analysis, and conclusion that there is no arguable merit to any of these possible issues. Our independent review of the records discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgments are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Clayton Griessmeyer is relieved of further representing Chapman in these matters. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals