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**DISTRICT III**

May 19, 2020

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

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2018AP1104-CRNM      State of Wisconsin v. Michael S. Priesler  
2018AP1105-CRNM      (L. C. Nos. 2009CM1225, 2010CF880)

Before Seidl, J.<sup>1</sup>

**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 Michael Priesler has filed a no-merit report concluding there is no basis to challenge Priesler's judgment of conviction after revocation of his probation. Priesler was advised of his right to respond and has not responded. Upon our independent review of the

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2017-18). All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

records as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal, and we summarily affirm. *See* WIS. STAT. RULE 809.21.

Priesler was convicted in Outagamie County case No. 2010CF880 of one count each of battery, disorderly conduct, and bail jumping,—all as repeaters. The circuit court imposed eighteen months' initial confinement and six months' extended supervision on the battery count; eighteen months' initial confinement and six months' extended supervision on the bail jumping count, consecutive to the battery count; and a withheld sentence on the disorderly conduct count, with three years' probation, consecutive to the battery and bail jumping counts.

Priesler was also convicted on the same date in Outagamie County case No. 2009CM1225 of battery and disorderly conduct, both as repeaters. The circuit court withheld sentence on both counts and placed Priesler on three years' probation.

Priesler served his confinement time in case No. 2010CF880 and he was released from prison on May 26, 2015, to serve his periods of probation. According to the Wisconsin Department of Corrections' revocation summary, between his prison release date and February 3, 2017, Priesler was in and out of jail for numerous probation violations.

Priesler reported to the probation office on February 1, 2017, for an appointment to discuss plans regarding his release from jail on February 3, 2017. Priesler was released from jail as planned, but on February 23, 2017, he left a message with his probation agent indicating he had moved to the Northern Inn and would not be home for a scheduled home visit. His agent left messages for Priesler to call on three separate occasions, but Priesler failed to return any calls to

the probation office. Eventually, the agent went to the Northern Inn to inquire, and the motel manager indicated Priesler had not been there.

On September 10, 2017, police were summoned to Lambeau Field for a problem with a male in the second row of the stadium who had thrown his Green Bay Packers fan towel at a state trooper standing on the sidelines. This individual was also yelling “fuck you” at the trooper and “giving [the trooper] the middle finger.” Officers made contact with the individual—later identified as Priesler—and asked him to accompany them to the concourse. Priesler became argumentative and uncooperative and he was yelling profanities at the officers, including calling them “motherfuckers.” Eventually, the officers were forced to go “hands on,” but Priesler continued to thrash his body, scream, and resist. As Priesler continued to resist, officers were required to taser him, at which point he was handcuffed and arrested. Priesler continued to scream at the officers and remained uncooperative. Priesler subsequently admitted to consuming multiple beers at the game.

A probation revocation hearing was held, at which time it was alleged that Priesler violated his rules of supervision by: (1) not reporting to his agent as required, and absconding from supervision for seven months, during which time his activities and whereabouts were unknown; (2) consuming alcohol; (3) acting disorderly while attending a football game; and (4) not cooperating with law enforcement while being placed under arrest. Priesler stipulated to the allegations and also admitted that he had missed the office appointment with his probation agent because he was consuming alcohol. Priesler testified that he had continued drinking and felt that he could not report to the Department of Corrections.

Priesler's probation was revoked. Priesler was subsequently sentenced to eighteen months' initial confinement and six months' extended supervision on the battery count in case No. 2009CM1225, consecutive to any other sentence he may have been serving. On the disorderly conduct count in the same case, he was sentenced to one year of initial confinement and one year of extended supervision, consecutive to the battery count. The circuit court imposed one year of initial confinement and one year of extended supervision in case No. 2010CF880, consecutive to the sentence in case No. 2009CM1225.

A challenge to a postrevocation sentence does not bring the initial judgment of conviction before this court. *See State v. Saccio*, 2000 WI App 265, ¶10, 240 Wis. 2d 95, 622 N.W.2d 449. Additionally, the validity of the probation revocation itself is not the subject of these appeals. *State ex rel. Flowers v. DHSS*, 81 Wis. 2d 376, 384, 260 N.W.2d 727 (1978). Priesler's current appeals are therefore limited to issues raised by the postrevocation sentences.

The no-merit report addresses issues regarding whether the circuit court properly exercised its discretion in sentencing after revocation of probation and whether sentence credit was properly awarded. This court is satisfied that the no-merit report properly analyzes the issues raised, and we will not discuss them further.

Our independent review of the records disclose no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that attorney Vicki Zick is relieved of her obligation to further represent Michael Priesler in these matters. *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*