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DISTRICT III

June 2, 2020

To:

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

2019AP203-CRNM	State of Wisconsin v. Alexis R. Sexton
2019AP204-CRNM	(L. C. Nos. 2017CF283, 2017CF328)

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 Alexis Sexton has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18),¹ concluding there is no basis for challenging the sentences imposed after revocation of Sexton's probation. Sexton was informed of her right to respond to the report

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

and has not responded. Upon our independent review of the records 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 November 21, 2017, Sexton pleaded no contest to operating a motor vehicle without the owner's consent, obstructing an officer, and felony bail jumping, arising from two circuit court cases. The court withheld sentence on all counts and placed Sexton on probation for two years. Sexton's probation was later revoked on all counts in both cases and, out of a maximum possible aggregate sentence of twelve years and nine months, the court imposed concurrent sentences resulting in a six-year term consisting of three years' initial confinement and three 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 revocations 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 Sexton's probation revocations.

The no-merit report addresses whether the circuit court properly exercised its discretion when imposing the sentences after revocation. Upon reviewing the records, we agree with counsel's description, analysis, and conclusion that any challenge to Sexton's sentences after

revocation would lack arguable merit. 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 Leonard D. Kachinsky is relieved of his obligation to further represent Alexis Sexton 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