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**DISTRICT III**

November 23, 2021

To:

Hon. Robert R. Russell  
Circuit Court Judge  
Electronic Notice

Thomas S. Barker  
Clerk of Circuit Court  
Lincoln County Courthouse  
Electronic Notice

Galen Bayne-Allison  
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Winn S. Collins  
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Leonard D. Kachinsky  
Electronic Notice

Eric J. Woller 322117  
Racine Correctional Inst.  
P.O. Box 900  
Sturtevant, WI 53177-0900

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

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2019AP196-CRNM      State of Wisconsin v. Eric J. Woller (L. C. No. 2016CF330)

Before Stark, P.J., Hruz and Gill, 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 Eric Woller has filed a no-merit report concluding there is no basis to challenge Woller's sentence after revocation of his probation. Woller was advised of his right to respond and has not done so. Upon our independent review of the record 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 (2019-20).<sup>1</sup>

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

Woller was the boyfriend of the victim's mother. The victim told authorities that Woller had molested her countless times when she was eleven years old. She was interviewed under oath at the Children's Advocacy Center and stated Woller had touched her vagina with his hand and touched her vagina and nipples with his mouth. She said that "it would happen almost every time her mother and grandmother would go to the laundromat."

Woller pleaded no contest to two counts of third-degree sexual assault of a child under age thirteen. The circuit court adopted the parties' joint sentencing recommendation, consisting of a withheld sentence and six years' probation with 120 days' conditional jail time. Sixty of the jail days were ordered to be served upon sentencing as a condition of probation and sixty days' additional jail was stayed but available to be used as a sanction for rules violations. We affirmed Woller's conviction on direct appeal. *See State v. Woller*, No. 2018AP502-CR, unpublished slip op. (WI App July 2, 2019).

Woller's probation was later revoked when he violated his conditions by consuming methamphetamine and contacting the victim and her mother in violation of a court-issued no-contact order. On sentencing after revocation, the circuit court imposed consecutive terms of three and one-half years' initial confinement and five years' extended supervision on each of the two counts.

On an appeal of a sentence after revocation, our review is limited to the sentencing proceeding after revocation, and we will not review the original judgment of conviction, the underlying plea process, or the propriety of the revocation. *See State v. Drake*, 184 Wis. 2d 396, 399, 515 N.W.2d 923 (Ct. App. 1994). Here, the no-merit report addresses the potential issue regarding whether the circuit court properly exercised its discretion when sentencing Woller after

revocation. We agree with counsel's description, analysis, and conclusion that any challenge to that issue would lack arguable merit, and we will not further address it.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Leonard Kachinsky is relieved of further representing Eric Woller in this matter. *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*