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DISTRICT II

December 29, 2021

To:

Hon. Laura F. Lau
Circuit Court Judge
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County
Electronic Notice

Winn S. Collins
Electronic Notice

David Malkus
Electronic Notice

Susan Lee Opper
Electronic Notice

Dominic R. Pilgreen, #671038
Oshkosh Correctional Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

2021AP935-CRNM State of Wisconsin v. Dominic R. Pilgreen (L.C. #2018CF1137)

Before Gundrum, P.J., Neubauer and Reilly, 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).

Dominic R. Pilgreen appeals from a judgment convicting him of burglary of a building. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738 (1967). Pilgreen 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

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

an independent review of the record, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

Pilgreen was convicted following a guilty plea to burglary of a building. The circuit court withheld sentence and placed Pilgreen on probation. His probation was later revoked due to numerous rule violations, and he appeared before the court for sentencing after revocation. There, the court imposed a sentence of three years of initial confinement and four years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether the circuit court properly exercised its discretion in imposing its sentence after revocation. This court is satisfied that the no-merit report correctly analyzes the issue it raises as without merit, and this court will not discuss it further.

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

² Any challenge to the underlying conviction is outside the scope of this appeal. *See State ex rel. Marth v. Smith*, 224 Wis. 2d 578, 582 n.5, 592 N.W.2d 307 (Ct. App. 1999). Review of probation revocation is by way of certiorari review to the court of conviction. *Id.* at 583.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney David Malkus is relieved of further representation of Dominic R. Pilgreen in this appeal. *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