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**DISTRICT III**

February 1, 2022

To:

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Kimberly Kaye McPherson 550558  
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P.O. Box 3100  
Fond du Lac, WI 54936-3100

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

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2019AP1804-CRNM	State of Wisconsin v. Kimberly Kaye McPherson
2019AP1805-CRNM	(L. C. Nos. 2018CM10, 2018CM471, 2018CF751)
2019AP1806-CRNM	

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 Kimberly McPherson<sup>1</sup> has filed a no-merit report in these consolidated appeals concluding there is no basis to challenge McPherson's sentence after revocation of her probation. McPherson was advised of her right to respond, and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we

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<sup>1</sup> Attorney Catherine Malchow filed the no-merit report, but Attorney Jeremy Newman substituted as counsel and is now counsel of record for McPherson.

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>2</sup>

McPherson was sentenced on one felony count of criminal damage to property and two misdemeanor counts of criminal damage to property, as acts of domestic abuse, stemming from three cases. According to the first criminal complaint, McPherson hit her husband's car with her car following an argument. In another case, she hid her husband's car and filled the gas tank with antifreeze. In the third case, the alleged victim accused McPherson of going into his garage and scratching the driver's side, passenger side, and hood of his vehicle, and also scratching another person's vehicle on the driver's side door.

McPherson entered into a plea agreement that disposed of all three cases, as well as another unrelated case. The circuit court withheld sentence and placed McPherson on probation for three years, and it also ordered her to successfully complete mental-health court. McPherson's probation was subsequently revoked, and she was sentenced after revocation on the felony count to eighteen months' initial confinement and twenty-four months' extended supervision, with six months' jail imposed on both of the misdemeanor counts concurrently.

On appeal of a sentence after revocation, our review is limited to the sentencing proceedings 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 it sentenced

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<sup>2</sup> All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

McPherson after revocation of her probation. 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. Our independent review of the record discloses no other arguable issues for appeal.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Jeremy Newman is relieved of further representing Kimberly McPherson 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*