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**DISTRICT II**

September 27, 2023

To:

Hon. Daniel J. Borowski  
Circuit Court Judge  
Electronic Notice

Mark A. Schoenfeldt  
Electronic Notice

Chris Koenig  
Clerk of Circuit Court  
Sheboygan County Courthouse  
Electronic Notice

Joel Urmanski  
Electronic Notice

Shyan M. Lipp  
1133 Broadway Ave., Apt. A.  
Sheboygan, WI 53081

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

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2021AP212-CRNM      State of Wisconsin v. Shyan M. Lipp (L.C. #2019CF391)

Before Lazar, J.

**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).**

Shyan M. Lipp appeals from a judgment of conviction for three misdemeanors. Her appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Lipp was sent a copy of the report, was advised of her right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude there are no issues with arguable merit for appeal. Therefore, we summarily affirm. *See* WIS. STAT. RULE 809.21.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Law enforcement officers secured a warrant to search Lipp's home for controlled substances and other materials related to illegal drug distribution. When officers executed the warrant, they found two baggies of cocaine, a pipe, rolled dollar bills used to ingest drugs, and other items. Lipp was arrested and charged with one count of possession of drug paraphernalia, one count of possession of cocaine, and one count of maintaining a drug trafficking place, a felony. Ultimately, the State determined that it could not prove beyond a reasonable doubt the charge of maintaining a drug trafficking place. Pursuant to a plea agreement, that felony charge was amended to possession of cocaine, a misdemeanor. Lipp pled guilty to three misdemeanors, including one count of possession of drug paraphernalia and two counts of possession of cocaine. *See* WIS. STAT. §§ 961.573(1), 961.41(3g)(c) (2019-20). The State agreed to recommend two years of probation for each conviction, with nine months of conditional jail time for each of the cocaine possession charges, to be served concurrently. The defense was free to argue for different sentences.

The circuit court conducted a thorough plea colloquy with Lipp that was consistent with the dictates of *State v. Bangert*, 131 Wis. 2d 246, 389 N.W.2d 12 (1986), and its progeny. It referred to Lipp's signed plea questionnaire, and it went through the elements of the crimes with Lipp. It confirmed she understood that the court was not bound by the plea agreement and ascertained that she understood the constitutional rights she was giving up. The circuit court found Lipp guilty of the three charges and set the matter for sentencing.

At sentencing, the circuit court considered a variety of sentencing factors, including the gravity of the offense, Lipp's character, and the protection of the public. *See State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695. The circuit court withheld sentence on one of the cocaine possession charges and placed Lipp on probation for two years. However,

the circuit court said that imposing probation for all three convictions would unduly depreciate the seriousness of the offenses. It sentenced Lipp to thirty days in jail for the drug paraphernalia count and eleven months in jail for the remaining cocaine possession count, to be served consecutively to each other and the period of probation.

The no-merit report addresses: (1) whether Lipp's pleas were entered knowingly, voluntarily, and intelligently; (2) whether there was a factual basis for each conviction; (3) whether the circuit court properly exercised its discretion at sentencing; and (4) whether trial counsel provided ineffective assistance. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

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

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Mark A. Schoenfeldt is relieved of further representation of Shyan M. Lipp in this appeal. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*