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DISTRICT II

June 17, 2026

To:

Hon. Carey J. Reed
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

Kayla Bembenek
Clerk of Circuit Court
Calumet County Courthouse
Electronic Notice

Ronald P. Recla, #329055
Oshkosh Correctional Institution
P.O. Box 3310
Oshkosh, WI 54903-3310

Thomas Brady Aquino
Electronic Notice

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

| | |
|-----------------|---|
| 2025AP2571-CRNM | State of Wisconsin v. Ronald P. Recla (L.C. #2021CF222) |
| 2025AP2572-CRNM | State of Wisconsin v. Ronald P. Recla (L.C. #2021CF245) |

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

In these consolidated appeals, counsel for Ronald P. Recla has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24),¹ concluding that no grounds exist to challenge the sentences imposed after the revocation of Recla's probation. Recla was informed of his right to file a response to the no-merit report, but he has not responded. Upon our independent review of the Record in each case, as mandated by *Anders v. California*, 386 U.S. 738 (1967), we

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

conclude that there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgments of conviction entered following the revocation of Recla's probation. *See* WIS. STAT. RULE 809.21.

In Calumet County Case No. 2021CF222, the State charged Recla with seven counts of felony bail jumping, each as a repeater, based on allegations that Recla had violated bond conditions imposed in seven pending criminal cases that prohibited him from consuming alcohol. Thereafter, in Calumet County Case No. 2021CF245, the State charged Recla with one count of threats to a law enforcement officer and sixteen counts of felony bail jumping, each as a repeater, based on allegations that Recla had threatened law enforcement officers while intoxicated, in violation of bond conditions in eight pending criminal cases that prohibited him from consuming alcohol and committing additional crimes.

Pursuant to a plea agreement, Recla entered no-contest pleas to two of the felony bail-jumping charges in each case, and the remaining counts in both cases were dismissed and read in. The circuit court withheld sentence on all four counts of conviction and imposed a two-year term of probation.

Recla's probation was later revoked, after he admitted that he had violated his rules of supervision by consuming alcohol and threatening to kill two law enforcement officers. During Recla's sentencing after revocation hearing, the circuit court addressed the seriousness of the offenses, Recla's character, and the need to protect the public. The court also considered the recommendations made by the Department of Corrections, as set forth in Recla's sentencing after revocation packet and the presentence investigation report. The court then sentenced Recla to

one year in jail on each count, making those sentences concurrent with each other but consecutive to any other sentences. These no-merit appeals follow.

An appeal from a sentence imposed following the revocation of probation does not bring the defendant's underlying conviction before this court. *See State v. Drake*, 184 Wis. 2d 396, 399, 515 N.W.2d 923 (Ct. App. 1994). In addition, Recla cannot challenge the validity of any underlying probation revocation decision in these appeals. *See State ex rel. Flowers v. DHSS*, 81 Wis. 2d 376, 384, 260 N.W.2d 727 (1978) (explaining that probation revocation is independent from the underlying criminal action); *see also State ex rel. Johnson v. Cady*, 50 Wis. 2d 540, 550, 185 N.W.2d 306 (1971) (explaining that judicial review of probation revocation is by a petition for certiorari in the circuit court).

Accordingly, the only potential issue for appeal is whether the circuit court erroneously exercised its discretion when sentencing Recla following the revocation of his probation. The no-merit report concludes that there would be no arguable merit to a claim that the court erroneously exercised its sentencing discretion. Having independently reviewed the Record in each case, we agree with counsel's description, analysis, and conclusion that this potential issue lacks arguable merit. We therefore do not address it further.

Our independent review of the Records discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Thomas Brady Aquino is relieved of further representation of Ronald P. Recla in these matters. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals