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DISTRICT IV

May 21, 2020

To:

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

2018AP2342-CRNM State of Wisconsin v. Jared R. Chase (L.C. # 2015CF409)

Before Fitzpatrick, P.J., Blanchard and Nashold, 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).

Jared Chase appeals judgments imposing sentences after revocation of his probation. Attorney Tristan Breedlove, appointed counsel for Chase, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967). The no-

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

merit report discusses the single issue of whether the circuit court erred when it sentenced Chase after revocation. Counsel provided Chase with a copy of the report, and both counsel and this court advised him of his right to file a response. Chase has not responded. After our independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

In 2016, Chase pled guilty to one count of false imprisonment and one count of battery, both with a domestic abuse assessment, as well as one count of misdemeanor bail jumping. The circuit court withheld sentence, placed Chase on probation for two years, and ordered Chase to serve 90 days of conditional jail time. Chase's probation was revoked in 2018. The circuit court imposed a sentence after revocation consisting of three years of initial confinement and three years of extended supervision for the false imprisonment count, nine months of jail time for the battery count, and nine months of jail time for the bail jumping count. The court ordered that the sentences run concurrently.

An appeal from a judgment imposing sentence after probation revocation does not bring the underlying conviction before us. See *State v. Drake*, 184 Wis. 2d 396, 399, 515 N.W.2d 923 (Ct. App. 1994). Additionally, the validity of the probation revocation itself is not the subject of this appeal. See *State ex rel. Flowers v. DHSS*, 81 Wis. 2d 376, 384, 260 N.W.2d 727 (1978) (probation revocation is independent from underlying criminal action); see also *State ex rel. Johnson v. Cady*, 50 Wis. 2d 540, 550, 185 N.W.2d 306 (1971) (judicial review of probation revocation is by petition for certiorari in circuit court).

We agree with counsel's conclusion in the no-merit report that any challenge to the sentences imposed after revocation would be without arguable merit. The circuit court

familiarized itself with the record, *see State v. Walker*, 2008 WI 34, ¶3, 308 Wis. 2d 666, 747 N.W.2d 673, and reviewed the revocation packet. The court considered the seriousness of the offense, Chase’s character and history, and the need to protect the public. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The court also acknowledged the presence of positive factors, such as Chase’s education and employment history. On balance, the court determined that confinement was necessary in order to protect the public. We are satisfied that the sentences imposed were not so excessive or unusual as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). In sum, the record demonstrates a proper exercise of the circuit court’s discretion, with which we will not interfere. *See State v. Gallion*, 2004 WI 42, ¶18, 270 Wis. 2d 535, 678 N.W.2d 197.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Tristan Breedlove is relieved of further representation of Jared Chase in this matter. *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