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DISTRICT II

August 13, 2025

To:

Hon. Douglas R. Edelstein
Circuit Court Judge
Electronic Notice

Tyler Jochman
Electronic Notice

Michelle Weber
Clerk of Circuit Court
Fond du Lac County Courthouse
Electronic Notice

Karen J. Vander Galien, #714894
Milwaukee Women's Corr. Center
615 W. Keefe Ave.
Milwaukee, WI 53212

John Blimling
Electronic Notice

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

2025AP608-CRNM State of Wisconsin v. Karen J. Vander Galien (L.C. #2023CF1100)

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

Karen J. Vander Galien appeals a judgment of conviction, entered on her no-contest pleas, for felony bail jumping and operating while intoxicated as a third offense. Her appellate counsel filed a no-merit report and two supplemental no-merit reports pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Vander Galien was advised of her right to file a response and has not responded. After reviewing the record and

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

counsel's reports, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

According to a criminal complaint, an officer attempted to stop a vehicle after Department of Transportation records indicated the vehicle's owner had an active warrant for her arrest as well as a revoked driver's license. When the officer activated his emergency lights, the vehicle drove its front and rear passenger tires up onto the curb of the road and almost hit a road sign. Vander Galien was driving, and her driver's license was revoked. Her eyes were glassy and bloodshot, she smelled of intoxicants, and she refused field sobriety tests. She was arrested. Her blood was drawn pursuant to a warrant, and her blood-alcohol concentration was .12. At the time of this incident, Vander Galien was on bond in five separate Fond du Lac County cases. The State charged Vander Galien with five counts of felony bail jumping, operating while intoxicated as a third offense, and operating a motor vehicle while revoked.

Pursuant to a plea agreement, Vander Galien pled to one count of felony bail jumping and operating while intoxicated. The remaining counts were dismissed and read in. The State agreed to recommend consecutive sentences of six months' jail on the felony bail jumping count and 120 days' jail on the operating while intoxicated count. The circuit court imposed a consecutive sentence of 18 months' initial confinement and 24 months' extended supervision on the felony bail jumping count, and a time-served sentence on the operating-while-intoxicated count. The court made Vander Galien eligible for substance abuse programming. This no merit appeal follows.

We first agree with counsel's conclusion that any challenge to the validity of Vander Galien's pleas would lack arguable merit. *See State v. Bangert*, 131 Wis.2d 246, 260, 389

N.W.2d 12 (1986). Our review of the record and of counsel's analysis in the no-merit reports satisfies us that the circuit court complied with its obligations for taking Vander Galien's pleas. *See* WIS. STAT. § 971.08; *Bangert*, 131 Wis. 2d at 261-62; *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906.

The no-merit reports also discuss whether trial counsel was ineffective for failing to file a suppression motion in this case. We agree with counsel's analysis and conclusion that there are no issues of arguable merit for appeal on this topic.

With regard to the circuit court's sentencing discretion, our review of the record confirms that the circuit court appropriately considered the relevant sentencing objectives and factors. *See State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The court was especially concerned that Vander Galien committed the underlying offenses only hours after she posted cash bond on other operating-while-intoxicated cases. The court stated, "I have not encountered a circumstance where there's been so many OWIs in such a short period of time, with such bonds being posted." The resulting sentence was within the maximum authorized by law. *See State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449. The sentence was not so excessive so as to shock the public's sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Therefore, there would be no arguable merit to a challenge to the court's sentencing discretion.

Our independent review of the record discloses no other potential issues for appeal. This court accepts the no-merit reports, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Vander Galien further in this appeal.

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 Tyler Jochman is relieved of further representation of Karen J. Vander Galien in this appeal. *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