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DISTRICT II

April 15, 2026

To:

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Circuit Court Judge
Electronic Notice

Dennis M. Melowski
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Michael C. Sanders
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You are hereby notified that the Court has entered the following opinion and order:

2024AP2442-CR

State of Wisconsin v. Amanda B. Lipski (L.C. #2023CF323)

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).

Amanda B. Lipski appeals a judgment of conviction, entered following a jury trial, for felony bail jumping. On appeal, Lipski argues the circuit court erred by permitting the jury to learn she had been charged with a felony and by excluding evidence that she had been acquitted of that felony. Based upon our review of the briefs and Record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ We affirm.

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

In a separate case, the State charged Lipski with operating while intoxicated as a fifth offense, which is a felony. In that case, she was released on bond with conditions including that she not “use or possess any alcohol.” On February 27, 2023, while Lipski remained on bond, police stopped Lipski for speeding and saw a six-pack of beer on her front seat. The State charged Lipski with felony bail jumping.

Before trial on the felony bail-jumping charge, the State and Lipski entered into a stipulation that provided:

1. On the date of this offense, February 27, 2023, the Defendant was charged with a felony offense ... and that case was pending.
2. In that case, the Defendant was released from custody on bond on January 22, 2021, and the bond was still in effect on February 27, 2023.

Based on the stipulation, Lipski moved to exclude evidence from her jury trial that she was charged with a felony. She argued that since she stipulated that she was charged with a felony, evidence proving that she was charged with a felony—including the stipulation—should be excluded from trial. The circuit court denied Lipski’s motion reasoning that even with the stipulation, the State was required to prove at trial that Lipski was charged with a felony because it was one of the elements of the crime. Ultimately, the stipulation was admitted into evidence at trial.

Separately, the State moved to prohibit Lipski from introducing evidence at trial that she was later acquitted of the operating-while-intoxicated charge underlying her felony bail-jumping charge. Following argument, the circuit court granted the State’s motion and concluded that the

evidence of the acquittal was not relevant. The evidence was not admitted at trial. The jury convicted Lipski of felony bail jumping.

On appeal, Lipski argues the circuit court erroneously exercised its discretion by admitting evidence that she had been charged with a felony and excluding evidence that she was acquitted of the underlying felony charge. We review a circuit court’s decision to admit or exclude evidence under an erroneous exercise of discretion standard. *State v. Dorsey*, 2018 WI 10, ¶24, 379 Wis. 2d 386, 906 N.W.2d 158. “A circuit court erroneously exercises its discretion if it applies an improper legal standard or makes a decision not reasonably supported by the facts of record.” *Id.* (citation omitted).

To put Lipski’s arguments into context, we first observe that felony bail jumping has three elements: (1) “The defendant was ... charged with ... a felony”; (2) “The defendant was released from custody on bond”; and (3) “The defendant intentionally failed to comply with the terms of the bond.” WIS JI—CRIMINAL 1795 (2018); *see also* WIS. STAT. § 946.49(1)(b). “The state bears the burden of proving each essential element of the crime charged beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990).

Lipski first argues that because she stipulated that she had been charged with a felony, it was improper for the jury to be informed that she had been charged with a felony. We disagree. The fact that Lipski stipulated that she had been charged with a felony does not absolve the State from having to prove that element to the jury. “A stipulation to an agreed fact is evidence, and its admissibility is governed by the statutory rules of evidence.” *State v. Warbelton*, 2009 WI 6, ¶49, 315 Wis. 2d 253, 759 N.W.2d 557. A stipulation is not a waiver of the right to have a jury determine each element of the charged crime; rather, a waiver “is governed by separate statutory

and constitutional rules” and must be agreed upon by the defendant, the State, and the court. *Id.*, ¶¶49, 58-60; *see* WIS. STAT. § 972.02(1). A defendant cannot “waive a jury trial on [an] element without the consent of the State.” *Warbelton*, 315 Wis. 2d 253, ¶60.

Here, Lipski’s stipulation simply prevented the State from introducing further prejudicial evidence such as the nature of the underlying felony charge. *See id.*, ¶53 (“When the defendant agrees to a sanitized stipulation admitting the prior conviction, there is no need for further proof relating to the nature of the conviction.”); *see also Old Chief v. United States*, 519 U.S. 172, 174 (1997) (holding that when evidence of a prior conviction is necessary solely to prove the element of a prior conviction, it is an abuse of discretion to reject a defendant’s offer to concede the prior conviction and instead admit the full and specific details of the prior felony conviction). The circuit court did not erroneously exercise its discretion by allowing the State to present the stipulation that Lipski had been charged with a felony, and the case was pending at the time of her conduct in this case. *See Dorsey*, 379 Wis. 2d 386, ¶24.

Lipski next argues that the circuit court erroneously exercised its discretion by prohibiting her from introducing evidence that she had been acquitted of the felony underlying the bail-jumping charge. We again disagree. At trial, only relevant evidence is admissible. WIS. STAT. § 904.02. “Evidence is relevant when it indicates that a fact in controversy did or did not exist because the conclusion in question may be logically inferred from the evidence.” *Rogers v. State*, 93 Wis. 2d 682, 688, 287 N.W.2d 774 (1980). Relevant evidence may be inadmissible “if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” WIS. STAT. § 904.03.

Here, the circuit court excluded evidence regarding her acquittal on the basis that it was not relevant to the charge in this case. The court appropriately exercised its discretion in making that determination. *See Dorsey*, 379 Wis. 2d 386, ¶24. Any evidence that Lipski was ultimately acquitted of the underlying felony charge has no relevance as to whether she was charged with a felony, whether she was released from custody on bond, or whether she intentionally failed to comply with the terms of bond. *See WIS. STAT. § 946.49(1)(b); WIS JI—CRIMINAL 1795 (2018)*.

Therefore,

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

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

Samuel A. Christensen
Clerk of Court of Appeals