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DISTRICT II

July 1, 2026

To:

Hon. Sandra J. Giernoth
Circuit Court Judge
Electronic Notice

Angela Dawn Chodak
Electronic Notice

Sherry Coykendall
Clerk of Circuit Court
Washington County Courthouse
Electronic Notice

Timothy J.J.D. Lilley #425224
New Lisbon Correctional Inst.
P.O. Box 2000
New Lisbon, WI 53950-2000

John Blimling
Electronic Notice

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

2025AP2769-CRNM State of Wisconsin v. Timothy J.J.D. Lilley (L.C. #2023CF170)

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).

Timothy J.J.D. Lilley appeals from a judgment, entered on his guilty plea, convicting him on one count of possession with intent to deliver between 10 and 50 grams of methamphetamine as a repeater. Appellate counsel, Angela Dawn Chodak, has filed a no-merit report, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).¹ Lilley was advised of his right to file a response, but he has not responded. Upon this court's independent

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

review of the record, as mandated by *Anders*, and counsel’s report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment.

According to the criminal complaint, a Washington County Sheriff’s deputy observed a vehicle at a stop sign and thought that vehicle “appeared to stay stationary for longer than normal”—approximately five seconds—before proceeding. The deputy noted a “defective taillight” on the passenger side of the vehicle and began to follow it. While following the vehicle, the deputy “conducted a Department of Transportation check.” The deputy “noted that [Lilley] was on supervision for drug-related charges and was not heading in the most direct route back to his residence,” and he initiated a traffic stop.

Before the deputy could introduce himself, Lilley said he had already been stopped for his defective taillight and handed over a written warning that had been issued at 11:40 p.m., about four hours earlier. The deputy asked Lilley what he had been doing for the last four hours. Lilley said that he had been at a friend’s house in Milwaukee to try to fix the light, but no stores were open to get lightbulbs. The deputy then spoke with the passenger, who was also on supervision for drug-related offenses. As the deputy spoke to Lilley and his passenger, he became suspicious that they were trafficking controlled substances because “in his prior experience, drug traffickers will return from Milwaukee late at night with controlled substances that were picked up in the City of Milwaukee.”

The deputy returned to his squad car and requested a canine officer. A sergeant from the Germantown Police Department arrived. His dog alerted on the vehicle. Drugs were located in the passenger’s purse and around the passenger area; the passenger told police that Lilley was

concealing drugs in his clothes. A large baggie containing almost 32 grams of methamphetamine was found in Lilley's clothing during an altercation with police at the county jail. It is unclear whether any action was taken with respect to the taillight. Lilley was charged with possession with intent to deliver between 10 and 50 grams of methamphetamine as a repeater. Lilley resolved his case with a guilty plea, after which the circuit court imposed five years of initial confinement and seven years of extended supervision, consecutive to any other sentence.

The first potential issue discussed in the no-merit report is whether Lilley's plea was knowing, intelligent, and voluntary. Our review of the record—including the plea questionnaire and waiver of rights form and a list of elements initialed by Lilley—confirms that the circuit court complied with its obligations for taking guilty pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261–62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. We agree with counsel's analysis and conclusion that any challenge to the validity of Lilley's plea would lack arguable merit.

The no-merit report next addresses whether there is any arguably meritorious basis for challenging the circuit court's sentencing discretion. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. Our review of the record confirms that the court appropriately considered relevant sentencing objectives and factors. See *id.*, ¶41; see also *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 12-year sentence imposed is well within the 31-year range authorized by law, see *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and is 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). There is no arguable merit to challenging the court's sentencing discretion.

Relatedly, the no-merit report discussed whether there is any arguably meritorious claim that Lilley was sentenced based on inaccurate information. A presentence investigation report (PSI) was prepared, and Lilley took issue with the factual recitation of portions of his record. In particular, he had multiple issues with how his juvenile record was presented in the PSI. However, many of those juvenile records no longer exist, so no additional information could be provided.

“[A] criminal defendant has a due process right to be sentenced only upon materially accurate information.” *State v. Lechner*, 217 Wis. 2d 392, 419, 576 N.W.2d 912 (1998). A defendant who seeks resentencing based on the circuit court's use of inaccurate information must show that the information was inaccurate and that the court actually relied on the inaccuracy in the sentencing. *See State v. Tiepelman*, 2006 WI 66, ¶26, 291 Wis. 2d 179, 717 N.W.2d 1. “Whether the court ‘actually relied’ on the incorrect information at sentencing [is] based upon whether the court gave ‘explicit attention’ or ‘specific consideration’ to it, so that the misinformation ‘formed part of the basis for the sentence.’” *Id.*, ¶14 (citation omitted).

The circuit court's sentencing comments reflect that it was basing its sentence primarily on the current offense, the current drug, the current quantity of that drug, and the current impact of that behavior on the community. In reviewing Lilley's character, it considered his entire history, beginning in childhood, because he was exposed to drugs as a child. However, the court specifically stated it was giving “no weight” to Lilley's juvenile record, and the court's consideration of Lilley's adult record refers to offenses supported by documentation. We

therefore agree with counsel’s conclusion that there is no arguable merit to a claim that Lilley was sentenced on inaccurate information.

Our independent review of the record reveals no other potential issues of arguable merit.²

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 Angela Dawn Chodak is relieved from further representing Timothy J.J.D. Lilley 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

² By order dated June 4, 2026, we asked appellate counsel to address two additional issues: whether Lilley could pursue an arguably meritorious claim that the traffic stop was not supported by reasonable suspicion and whether, even if the stop was proper, Lilley could pursue an arguably meritorious claim that the traffic stop was unlawfully prolonged. Counsel filed a supplemental no-merit report in which she indicates that trial counsel’s notes reflect that trial counsel considered the legality of the stop, but Lilley did not want to litigate it and in fact expressed a desire to “move the case along as quickly as possible.”

Although trial counsel’s file does not expressly discuss the prolonged stop, the file “show[s] the dates of the discussion with Mr. Lilley and his desire not to pursue litigation,” which was consistent with appellate counsel’s discussions with Lilley. Lilley has therefore waived any challenge to issues with the traffic stop in this case. *See State ex rel. Ford v. Holm*, 2006 WI App 176, ¶¶4, 8, 296 Wis. 2d 119, 722 N.W.2d 609; *see also State ex rel. Flores v. State*, 183 Wis. 2d 587, 607, 516 N.W.2d 362 (1994) (recognizing that defendants may not always wish to pursue a postconviction motion, for “any number of personal, practical, or even idiosyncratic reasons”).