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DISTRICT II

January 2, 2025

To:

Hon. Michael S. Kenitz
Circuit Court Judge
Electronic Notice

Kathleen E. Wood
Electronic Notice

Sarah Adjemian
Clerk of Circuit Court
Washington County Courthouse
Electronic Notice

Lisa R. Hottenstein Meier #332192
Robert Ellsworth Center
21425 A Spring St
Union Grove, WI 53182

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

2024AP150-CR

State of Wisconsin v. Lisa R. Hottenstein Meier
(L.C. # 2015CF502)

Before Gundrum, P.J., Neubauer 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).

Lisa R. Hottenstein Meier appeals pro se from an order of the circuit court. 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 (2021-22).¹ For the following reasons, we affirm.

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Background

In 2016, Hottenstein Meier pled guilty to operating a motor vehicle while under the influence of an intoxicant or other drug, fifth offense, and with a minor in the vehicle. The circuit court sentenced her to three years of initial confinement and three years of extended supervision. While the court found her eligible for the Substance Abuse Program (SAP),² it also noted she had two similar charges in another county that could affect her release and informed her the Department of Corrections would have the “final word” with regard to her getting into the program. In 2017, Hottenstein Meier pled guilty to one of those two pending charges and a jury found her guilty after a trial on the other. She was sentenced to multiple years of additional confinement followed by additional extended supervision.

In 2018, Hottenstein Meier petitioned for sentence adjustment in this case pursuant to WIS. STAT. § 973.195. Concluding the sentence imposed was appropriate and that adjustment under the statute would be “against the interests of the public,” the circuit court denied her petition. In 2023, Hottenstein Meier again petitioned for sentence adjustment in this case pursuant to § 973.195. The court again denied the petition, determining that § 973.195(1r)(i) allows an inmate to “submit only one petition ... for each sentence imposed.” Hottenstein Meier appeals.

² At the sentencing hearing, the circuit court referred to the SAP by its former name, Earned Release Program (ERP). *See* 2011 Wis. Act 38, § 19. The Wisconsin statutes identify the program by both names. *See* WIS. STAT. §§ 302.05, 973.01(3g).

Discussion

This appeal requires us to interpret and apply WIS. STAT. § 973.195(1r)(i), which is a matter of law we consider de novo. See *Phelps v. Physicians Ins. Co. of Wis., Inc.*, 2009 WI 74, ¶36, 319 Wis. 2d 1, 768 N.W.2d 615. This statute is very straightforward and determinative, so not much is involved with interpreting and applying the statute here. Hottenstein Meier’s 2023 petition for sentence adjustment under § 973.195 is her second such petition on this same sentence. Section 973.195(1r)(i) unmistakably reads: “An inmate may submit only one petition under this subsection for each sentence imposed under [§] 973.01.” Because Hottenstein Meier submitted a petition for adjustment under § 973.195 in 2018, she could not lawfully submit the instant petition, and thus, we affirm the circuit court’s denial of the same.³

IT IS ORDERED that the order 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

³ In her two-page brief-in-chief, Hottenstein Meier conveys her personal belief that she should have been afforded sentence adjustment after completing a SAP. On appeal, the appellant bears the burden of demonstrating how the circuit court erred. *Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381 (“[O]n appeal ‘it is the burden of the appellant to demonstrate that the [circuit] court erred.’” (Second alteration in original; citation omitted.)). Hottenstein Meier cites to no law and develops no argument as to how the circuit court erred in denying her request for sentence adjustment. We may affirm the circuit court on that basis alone. *Clean Wis., Inc. v. PSC*, 2005 WI 93, ¶180 n.40, 282 Wis. 2d 250, 700 N.W.2d 768 (“We will not address undeveloped arguments.”).