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DISTRICT II

March 5, 2025

To:

Hon. Samantha R. Bastil
Circuit Court Judge
Electronic Notice

Chris Koenig
Clerk of Circuit Court
Sheboygan County Courthouse
Electronic Notice

Christopher D. Sobiechowski
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

David Lee Badtke #299156
Kettle Moraine Correctional Inst.
P.O. Box 282
Plymouth, WI 53073-0282

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

2024AP2010-CRNM State of Wisconsin v. David Lee Badtke (L.C. #2020CF674)

Before Neubauer, 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).

David Lee Badtke appeals from a judgment sentencing him after revocation of his probation for multiple crimes. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Badtke received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the Record, we conclude there are

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

no issues with arguable merit for appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Badtke was convicted following no contest pleas to (1) strangulation and suffocation (with a previous conviction) as an act of domestic abuse and as a repeater; and (2) second-degree recklessly endangering safety as an act of domestic abuse, as a repeater, as a domestic abuse repeater, and with the use of a dangerous weapon. The charges stemmed from an altercation where Badtke squeezed a woman's neck with both of his hands and chased her with knives, eventually throwing one knife through a neighbor's window.

The circuit court withheld sentence and placed Badtke on probation. His probation was later revoked due to multiple rules violations,² and he appeared before the court for sentencing after revocation. There, the court imposed an aggregate sentence of ten years of initial confinement and ten years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether the circuit court erroneously exercised its discretion in sentencing Badtke after revocation. This court is satisfied that the no-merit report correctly analyzes the issue it raises as without merit, and we will not discuss it further.

² The rules violations included another physical altercation with the same victim and a child.

Our review of the Record discloses no other potential issues for appeal.³ Accordingly, this court accepts the no-merit report, affirms the judgment of the circuit court, and discharges appellate counsel of the obligation to represent Badtke 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 Christopher D. Sobic is relieved of further representation of David Lee Badtke 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

³ Any challenge to the underlying convictions is outside the scope of this appeal. *See State ex rel. Marth v. Smith*, 224 Wis. 2d 578, 582 n. 5, 592 N.W.2d 307 (Ct. App. 1999). In addition, “review of probation revocation is by way of certiorari review to the court of conviction.” *Id.* at 583.