



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

June 3, 2026

To:

Hon. Daniel S. Johnson
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

Michele Jacobs
Clerk of Circuit Court
Walworth County Courthouse
Electronic Notice

Maria McCormack Lyon
Electronic Notice

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

2025AP2565-CRNM State of Wisconsin v. Melvin Pollard (L.C. #2022CF453)

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).

Melvin Pollard appeals from his conviction for strangulation and suffocation, which was entered upon a jury verdict after a three-day trial. He also appeals from an order denying his postconviction motion for relief. 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). Pollard was sent a copy of the report and advised of his right to file a response—he has not done so, despite this court having extended the deadline for him to respond. Upon consideration of the report and an

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

independent review of the Record, we conclude there are no issues with arguable merit for appeal. We summarily affirm. *See* WIS. STAT. RULE 809.21.

After his first trial ended in a mistrial, a second jury convicted Pollard of strangulation and suffocation stemming from an incident with his then-girlfriend, Marta, after a trial.² The jury acquitted Pollard on a sexual assault charge and a second count of strangulation and suffocation. The circuit court imposed a sentence of 20 months of initial confinement and 24 months of extended supervision. This no-merit appeal follows.

The no-merit report addresses the following issues: (1) whether the State produced sufficient evidence at trial of Pollard’s guilt; (2) whether the circuit court erroneously exercised its discretion in denying Pollard’s postconviction motion; and (3) whether the court erroneously exercised its discretion in sentencing Pollard. We address each issue in turn below.

The no-merit report first addresses whether the evidence at Pollard’s jury trial was sufficient to support his conviction. When reviewing the sufficiency of the evidence, we may not substitute our judgment for that of the jury “unless the evidence, viewed most favorably to the [S]tate and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Our review of the trial transcripts persuades us that the State produced ample evidence to convict Pollard of strangulation and suffocation. That evidence included testimony from Marta, from members of law enforcement who investigated the events at issue in Pollard’s trial, and from Marta’s family members and friends regarding

² We use a pseudonym to protect the victim’s right to privacy.

Pollard's actions during the time in question. Pollard testified on his own behalf and presented an alibi witness. There were also numerous photos of the injuries to Marta's neck presented, which demonstrated that Marta's injuries could not have resulted from a fall from a horse, as Pollard suggested at trial. Additionally, there was documentary evidence obtained from Pollard's cell phone that further supported the jury's finding of guilt. We agree with counsel that a challenge to the sufficiency of the evidence would lack arguable merit.

The no-merit report next addresses whether the circuit court erroneously exercised its discretion in denying Pollard's postconviction motion. The issue Pollard raised in this motion relied upon a finding of fact—whether the jury knew which verdict form corresponded to which strangulation charge. We will uphold a postconviction court's findings of fact unless they are clearly erroneous. *State v. Pitsch*, 124 Wis. 2d 628, 369 N.W.2d 711 (1985). The same judge presided over the jury trial and the postconviction proceedings and was therefore in a position to use his own recollection to reconstruct the Record at the evidentiary hearing. Further, the court was able to look to the document sequencing in the Record to confirm its recollection. We agree with counsel's conclusion that there would be no arguable merit to a challenge to the postconviction court's findings of fact or denial of the motion.

There also is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. In imposing sentence, the court considered the seriousness of the offenses, Pollard's character, and the need to protect the public. *See State v. Gallion*, 2004 WI 42, ¶¶40-44, 270 Wis. 2d 535, 678 N.W.2d 197. The court ordered that a presentence investigation be conducted and a report issued. Pollard also had the opportunity to address the court directly, and did so prior to the court's imposition of sentence. The sentence was well under the maximum penalty of 6 years of imprisonment, given that the court imposed 44 months total and fully

explained its rationale supporting the sentence. Under the circumstances, it cannot reasonably be argued that Pollard’s sentence is so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Finally, our independent review of the Record—including voir dire, jury instructions, the colloquy surrounding Pollard’s decision to exercise his right to testify, opening statements, and closing arguments—does not disclose any potentially meritorious issue for appeal. *See State v. Allen*, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Maria Lyon of further representation in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Maria McCormack Lyon is relieved from further representing Melvin Pollard 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