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DISTRICT IV

November 12, 2026

To:

Hon. Nicholas J. McNamara
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Ellen J. Krahn
Electronic Notice

Dawn M. Prado 421421
Robert Ellsworth Correctional Center
21425-A Spring St.
Union Grove, WI 53182-9408

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

2025AP650-CRNM State of Wisconsin v. Dawn M. Prado (L.C. # 2015CF859)

Before Graham, P.J., Kloppenburg, and Nashold, 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).

Attorney Ellen Krahn, as appointed counsel for Dawn Prado, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)[1] and ***Anders v. California***, 386 U.S. 738 (1967). Counsel provided Prado with a copy of the report, and she responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

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

After a jury trial, and in relation to a single incident, Prado was convicted of homicide by intoxicated use of a vehicle, operating while intoxicated causing injury, and operating while intoxicated as a fourth offense. On the homicide count, the court imposed a sentence of twelve years of initial confinement and eight years of extended supervision. The court imposed concurrent, lesser sentences on the other counts.

The no-merit report addresses whether the evidence was sufficient. We affirm the verdict unless the evidence, viewed most favorably to the State and the conviction, is so insufficient in probative value and force that no reasonable trier of fact could have found guilt beyond a reasonable doubt. ***State v. Poellinger***, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Credibility of witnesses is for the trier of fact. ***Id.*** at 504.

Without attempting to recite the evidence in detail here, the testimony of the persons who were at the scene of the incident, together with photographs, lab results, expert opinions, and the parties' stipulations, was sufficient. This evidence was not inherently incredible and, if believed by the jury, was sufficient to satisfy the elements of all three offenses. There is no arguable merit to this issue.

In Prado's responses to the no-merit report, she continues to argue that she was not the driver of her vehicle at the time of the incident. However, she does not discuss any new evidence, and the evidence that she relies on was already considered by the jury in reaching its verdict. Her responses do not alter our conclusion as to this issue.

Prado also contends that her trial counsel was ineffective by not obtaining a defense crash expert to support Prado's version of events. To establish ineffective assistance of counsel, a defendant must show that counsel's performance was deficient and that such performance

prejudiced her defense. ***Strickland v. Washington***, 466 U.S. 668, 687 (1984). Prado does not show an arguable basis to file a postconviction motion as to either part of the analysis because she does not provide any basis to believe that a defense expert would, in fact, have supported her version of events. There is no arguable merit to this issue.

The no-merit report addresses Prado's sentences. The sentences are within the legal maximums. As to discretionary issues, the standards for the circuit court and this court are well established and need not be repeated here. *See* ***State v. Gallion***, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Krahn is relieved of further representation of Prado in this matter. *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