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DISTRICT III

March 15, 2018

To:

Hon. Eric J. Lundell
Circuit Court Judge
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Kyara Alyse Tollan
17204 Joplin Avenue
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You are hereby notified that the Court has entered the following opinion and order:

2016AP2295-CRNM State v. Kyara Alyse Tollan (L. C. No. 2015CF492)

Before Seidl, J.¹

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).

Counsel for Kyara Tollan filed a no-merit report concluding no grounds exist to challenge Tollan's convictions for the misdemeanor offenses of theft and public assistance fraud by failing to disclose an event affecting eligibility where the value of the payment or benefit is

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

between \$1,000 and \$2,000, contrary to WIS. STAT. §§ 943.20(1)(c) and 946.93(3)(a), respectively. Tollan was informed of her right to file a response to the no-merit report and has not responded. Upon an independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), this court concludes there is no arguable merit to any issue that could be raised on appeal. Therefore, the judgment of conviction is summarily affirmed. See WIS. STAT. RULE 809.21.

The State charged Tollan with felony public assistance fraud by failing to disclose an event affecting eligibility where the value of the payment or benefit is between \$2,000 and \$5,000; identity theft to avoid civil or criminal process or penalty; and two counts of identity theft for financial gain. In exchange for her guilty pleas to amended charges of misdemeanor theft and misdemeanor public assistance fraud, the State agreed to dismiss the remaining counts outright and join in defense counsel's recommendation for withheld sentences with concurrent two-year probation terms. The circuit court imposed a sentence consistent with the joint recommendation.

The no-merit report addresses whether Tollan knowingly, intelligently and voluntarily entered her guilty pleas and whether the circuit court properly exercised its sentencing discretion. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that any challenge to Tollan's pleas or sentences would lack arguable merit. An independent review of the record discloses no other potential issue for appeal.

Therefore,

IT IS ORDERED that that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Susan E. Alesia is relieved of her obligation to further represent Tollan in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals