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DISTRICT II

November 4, 2026

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

2025AP842-CRNM State of Wisconsin v. Danika A. Viasana (L.C. #2022CF157)
2025AP843-CRNM State of Wisconsin v. Danika A. Viasana (L.C. #2021CF213)

Before Lazar, P.J., Gundrum, 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).

In these consolidated cases, Danika A. Viasana appeals from judgments of conviction and an order denying a motion to modify sentence. Viasana's 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). Viasana filed multiple responses. After reviewing the Records, counsel's report, and

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

Viasana's responses, we conclude there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgments and order. *See* WIS. STAT. RULE 809.21.

Viasana entered no contest pleas to mail fraud, wire fraud against a financial institution, making a false statement to a financial institution, two counts of fraud against a financial institution, two counts of felony bail jumping, and seven counts of identity theft for financial gain.[2] The charges stemmed from two cases that were handled together in the circuit court. In them, Viasana was accused of using other people's personal identifying information, along with fraudulent documents, in efforts to obtain funds from financial institutions.[3] Numerous additional charges were dismissed and read in.

For her actions, the circuit court imposed an aggregate sentence of nine years of initial confinement and nine years of extended supervision. It also ordered a consecutive five-year period of probation and $26,520.09 in restitution.

Viasana, while represented by counsel, filed a motion to modify sentence. She argued that her sentence was unduly harsh and that portions of the presentence investigation report (PSI) relating to her trauma and substance abuse issues were overlooked, constituting a new factor.

[2] Although some of the offenses were charged as party to a crime, it appears that Viasana directly committed all of the ones to which she pled.

[3] Viasana opened accounts and applied for loans in several victims' names. She also attempted to deposit one victim's check. Viasana knew some of the victims personally, while other victims were selected from a batch of stolen mail. Multiple offenses occurred while Viasana was out on bond in felony cases.

After a hearing on the matter, the circuit court denied the motion in an order.[4] Counsel then filed these no-merit appeals.[5]

The no-merit report addresses: (1) whether Viasana's pleas were knowingly entered; (2) whether the circuit court sentenced Viasana on accurate information; (3) whether the court exhibited bias against Viasana; and (4) whether Viasana's trial counsel was ineffective. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit.

As noted, Viasana filed multiple responses to counsel's no-merit report. In them, she disputes the issues raised in the no-merit report. She also questions the venue of the cases, arguing that she should have been prosecuted in Outagamie County, where she was first investigated, instead of Calumet County, where the fraudulent transactions were allegedly processed and where a victim's check was stolen from the mail. We consider each of Viasana's claims in turn.

[4] The transcript of the hearing on the motion to modify sentence is not included in the Records. However, we are not persuaded that its absence presents an issue of arguable merit. Viasana's sentence was not unduly harsh, as its length was well within the statutory maximum for 14 felony convictions. *See* ***State v. Daniels***, 117 Wis. 2d 9, 22, 343 N.W.2d 411 (Ct. App. 1983). Moreover, the sentencing transcript makes clear that the court was well aware of Viasana's trauma and substance abuse issues before imposing its sentence.

[5] Prior to this court docketing the no-merit appeals, Viasana filed a pro se motion to modify sentence, citing her payments towards restitution and progress made while in prison. The circuit court denied the motion, correctly noting that post-sentencing conduct does not constitute a new factor for purposes of sentence modification. *See* ***State v. Scaccio***, 2000 WI App 265, ¶15, 240 Wis. 2d 95, 622 N.W.2d 449.

First, Viasana contends that her pleas were not knowingly entered because she was confused by her attorney's explanation of the offenses during a brief recess at the plea hearing.[6] Viasana's assertion is contradicted by her statements to the circuit court immediately following that recess. There, Viasana confirmed that, after discussing the matter with her attorney, she understood the elements of the offenses and had no questions about them. She cannot take an inconsistent position now. *See* ***State v. Michels***, 141 Wis. 2d 81, 97-98, 414 N.W.2d 311 (Ct. App. 1987).

Next, Viasana contends that she was sentenced on inaccurate information. She accuses the prosecutor of making misleading statements at sentencing regarding her criminal background and degree to which one of the victims was disabled.[7] She also accuses the circuit court of sending her to prison based on the erroneous belief that she could not pay restitution. We are not persuaded that Viasana has shown that the circuit court actually relied on inaccurate information when sentencing her. *See* ***State v. Tiepelman***, 2006 WI 66, ¶26, 291 Wis. 2d 179, 717 N.W.2d 1. Furthermore, the court's comments as a whole make clear that it was sending Viasana to prison because of the serious nature of the offenses, her poor character, and the need to protect the public.

[6] The circuit court explained the elements of the offenses, including wire fraud against a financial institution, contrary to WIS. STAT. § 943.90, and fraud against a financial institution, contrary to WIS. STAT. § 943.82(1). The court sometimes referred to both of those charges as wire fraud against a financial institution—presumably because Viasana's fraud occurred online. In an attempt to avoid confusion, the court ordered a brief recess so that defense counsel could go over the elements of the offenses again with Viasana and make sure that she understood them.

[7] For example, Viasana complains that the prosecutor falsely said that she was burglarizing homes in 2007 when she was convicted for theft. However, the prosecutor simply noted that Viasana's theft conviction arose from a burglary. Viasana also maintains that the prosecutor enhanced the disability of one of her victims. But the victim in question did suffer from cerebral palsy, which made it difficult for him to communicate.

Next, Viasana contends that the circuit court exhibited bias against her. This is based primarily on two comments the court made at sentencing. In one, the court responded to a victim's complaint about having approximately 400 fraudulent accounts/loans opened in the victim's name. The court said:

> The closest thing I can identify with was back in the day having to deal with student loan people who had something wrong. And that was very, very frustrating to me. And that's just one issue that I had to deal with. 400 I just can't conceive of. I can't wrap my head around it.

In the other comment, the court recognized the harm Viasana had caused from a batch of stolen mail and the impact that harm has on others, including the court. It stated:

> I have a text locked and loaded for my wife that says no more mail through our mailbox at home, because you scared me to the point where that's never going to happen again. So that -- I'm certainly not a victim of your crimes, but it's certainly something that should affect everybody. Everybody should take heed of -- I think it was [the prosecutor] stating that anybody who sends stuff through the regular mail is taking a big risk, because folks like you are out there being making themselves predators and we are all the prey.

We are not convinced that such comments—which simply express empathy for a victim's difficult situation and recognize the gravity of Viasana's conduct—come close to overcoming the presumption that the court was free of bias. *See* ***State v. Neuaone***, 2005 WI App 124, ¶16, 284 Wis. 2d 473, 700 N.W.2d 298.

Next, Viasana contends that her trial counsel was ineffective. Specifically, she faults counsel for the following: (1) not investigating potential defenses; (2) not requesting to change judges; (3) not sharing the PSI with her; and (4) not accurately recounting a story of trauma that

Viasana experienced in her childhood.[8] Viasana's first two claims against counsel are forfeited by virtue of her pleas. *See* ***State v. Kelty***, 2006 WI 101, ¶18 n.11, 294 Wis. 2d 62, 716 N.W.2d 886. Meanwhile, her claim regarding the PSI is belied by the Records. At sentencing, before offering corrections to the PSI, counsel specifically told the circuit court that she shared the PSI with Viasana. Viasana also demonstrated a familiarity with the PSI's contents via her first motion to modify sentence. Finally, we are satisfied that counsel adequately communicated Viasana's trauma to the court at sentencing.

Next, Viasana contends that she should have been prosecuted in Outagamie County, where she was first investigated, instead of Calumet County. This claim also fails by virtue of Viasana's pleas. *See* ***State v. Bangert***, 131 Wis. 2d 246, 252, 389 N.W.2d 12 (1986) (entry of a plea waives any defect in venue).

Our review of the Records discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgments and order of the circuit court, and discharges appellate counsel of the obligation to represent Viasana further in these appeals.

Upon the foregoing reasons,

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

[8] At sentencing, counsel recounted an incident referenced in the PSI where Viasana's mother slit her wrist in front of Viasana and accused her of trying to break up a romantic relationship that the mother was pursuing. Viasana complains that counsel made it sound like the suicide attempt was Viasana's fault. But all counsel said was that the mother "blamed it" on Viasana which is consistent with the PSI. Counsel noted that Viasana was only 12 or 13 at the time and that it had to be "a lot for a child to hear from a parent."

IT IS FURTHER ORDERED that Attorney Tyler Jochman is relieved of further representation of Danika A. Viasana in these appeals. *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