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DISTRICT II

August 13, 2025

To:

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Circuit Court Judge
Electronic Notice

John Blimling
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LeAnne Karls
Clerk of Circuit Court
Calumet County Courthouse
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Patricia A. Ciamarichello #251529
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P.O. Box 3100
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Megan Elizabeth Lyneis
Electronic Notice

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

2024AP1880-CRNM State of Wisconsin v. Patricia A. Ciamarichello (L.C. #2021CF75)

Before Gundrum, 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).

Patricia A. Ciamarichello appeals from a judgment of conviction entered after a jury found her guilty following a trial. Her 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). Ciamarichello was sent a copy of the report and advised of her right to file a response—she has not done so.

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

Upon consideration of the report and an 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.

Following a jury trial, Ciamarichello was convicted of two counts of burglary for entering and stealing from a neighboring apartment. The jury also found her guilty of possession of each: methamphetamine, THC, and drug paraphernalia. The circuit court placed Ciamarichello on three years of probation with conditional jail time, and imposed and withheld an aggregate sentence of two years of initial confinement and three years of extended supervision for all five convictions.² This no-merit appeal follows.

The no-merit report addresses the following issues: (1) whether the State produced sufficient evidence of Ciamarichello's guilt; (2) whether any of the circuit court's rulings at and before Ciamarichello's trial amounted to reversible error; and (3) whether the court erroneously exercised its discretion, including whether the sentence was excessive. We address each issue in turn below.

The no-merit report discusses whether the evidence at Ciamarichello's jury trial was sufficient to support her 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 state 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

² Ciamarichello's probation was revoked in October 2024, and she is currently serving the imposed prison sentence.

produced ample evidence to convict Ciamarichello of burglary and drug possession. That evidence included testimony from the owner of the apartment complex regarding keys to the complex; the victim's daughter, who had been watching over the victim's apartment because the victim was incapacitated and reported several items missing; members of law enforcement who investigated the events at issue in Ciamarichello's trial; and a lab analyst who tested the illegal substances. There were also several exhibits accepted into evidence, including video footage from one of the burglaries. The State further presented evidence of several items the victim's daughter reported missing—like the master key to the complex and the key to the coin box for the laundry machines, as well as a motion-activated alarm that police had set up, drugs, and drug paraphernalia that were found in Ciamarichello's apartment. We agree with counsel that a challenge to the sufficiency of the evidence would lack arguable merit.

The no-merit report also addresses whether there would be any arguable merit to a challenge to any of the circuit court's rulings before or during the trial. Based on counsel's examination of every phase of the trial, the report concludes that there were no instances of the court making an erroneous ruling over Ciamarichello's objection that would support an appeal. *See* WIS. STAT. §901.03. Counsel provides a thorough analysis of the court's pretrial rulings on Ciamarichello's *Franks/Mann*³ and *Miranda*⁴ motions, as well as rulings during the trial. Our independent review of the trial transcripts confirms that there were no instances of plain error at any phase of the trial that would support an appeal. This court is satisfied that the no-merit

³ *Franks v. Delaware*, 438 U.S. 154 (1978); *State v. Mann*, 123 Wis. 2d 375, 367 N.W.2d 209 (1985).

⁴ *Miranda v. Arizona*, 384 U.S. 436 (1966).

report correctly analyzes the issues it raises regarding the court’s rulings as without merit, and we will not discuss them further.

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, Ciamarichello’s character, and the need to protect the public. *See State v. Gallion*, 2004 WI 42, ¶¶27, 40-44, 270 Wis. 2d 535, 678 N.W.2d 197. A presentence investigation was done, and Ciamarichello’s trial counsel also had a private sentencing memorandum prepared on her client’s behalf. Ciamarichello also had the opportunity to address the court directly, and did so prior to the court’s imposition of sentence.

In addition, where Ciamarichello faced a total of fifteen years of initial confinement and ten years of extended supervision on the burglary counts, *see* WIS. STAT. § 973.01(2)(b)6m. and (2)(d)4., and a collective sentence of two years and thirty days of confinement with two years of supervision on the drug charges, *see* § 973.01(2)(b)9. and (2)(d)6., WIS. STAT. § 961.41(3g)(e), and WIS. STAT. § 961.573(1), an aggregate sentence of five years, in which the circuit court considered both aggravating and mitigating factors, is not disproportionate or shocking. *See State v. Daniels*, 117 Wis 2d 9, 22, 343 N.W.2d 411 (Ct. App. 1983). Under the circumstances, it cannot reasonably be argued that Ciamarichello’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 jury selection, jury instructions, the colloquy surrounding Ciamarichello’s decision to exercise her right not 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 Megan Elizabeth Lyneis of further representation in this matter.

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 Megan Elizabeth Lyneis is relieved from further representing Patricia A. Ciamarichello 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