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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](http://www.wicourts.gov)

**DISTRICT III**

April 22, 2015

To:

Hon. Eric J. Lundell  
Circuit Court Judge  
St. Croix County Courthouse  
1101 Carmichael Road  
Hudson, WI 54016

Kristi Severson  
Clerk of Circuit Court  
St. Croix County Courthouse  
1101 Carmichael Road  
Hudson, WI 54016

John C. Bachman  
John Bachman Law Office  
P.O. Box 477  
Eau Claire, WI 54702-0477

Eric G. Johnson  
District Attorney  
1101 Carmichael Road  
Hudson, WI 54016

Gregory M. Weber  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Tiara Lashon Ligon  
1281 Marion Street  
St. Paul, MN 55117

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

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2014AP2371-CRNM      State of Wisconsin v. Tiara Lashon Ligon (L.C. # 2013CF284)

Before Hoover, P.J., Stark and Hruz, JJ.

Counsel for Tiara Ligon filed a no-merit report concluding there is no arguable basis for Ligon to challenge her conviction and sentence for retail theft. We reject the no-merit report for three reasons. First, contrary to a statement in the no-merit report, the record does not show that the circuit court gave the warning required by *State v. Hampton*, 2004 WI 117, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, and the court imposed a longer sentence than the parties recommended. Second, the transcript does not indicate that the court gave the deportation warning required by *State v. Douangmala*, 2002 WI 62, ¶21, 253 Wis. 2d 173, 646 N.W.2d 1, and the record does not establish Ligon's citizenship status. Third, although the sentencing court did not impose the

DNA surcharge, a \$250 surcharge is reflected in the judgment of conviction. Under WIS. STAT. § 973.046(1r), for a sentence imposed after January 1, 2014, the surcharge is automatic. However, the effective date of the change in the statute has been challenged in this court as an unconstitutional ex post facto law. Because we cannot conclude that raising any of these three issues would be frivolous, we reject the no-merit report and reopen Ligon's WIS. STAT. RULE 809.30 postconviction rights.

IT IS ORDERED that the no-merit report is rejected and this appeal is dismissed.

IT IS FURTHER ORDERED that the time for filing a postconviction motion is extended to sixty days from the date of this order.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*