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DISTRICT III

February 1, 2022

To:

Hon. Marc A. Hammer
Circuit Court Judge
Electronic Notice

John VanderLeest
Clerk of Circuit Court
Brown County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Daniel Goggin II
Electronic Notice

David L. Lasee
Electronic Notice

Kristy Lee Sieker
2307 Remmington Road
Green Bay, WI 54302

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

2019AP1997-CRNM State of Wisconsin v. Kristy Lee Sieker
2019AP1998-CRNM (L. C. Nos. 2018CF224, 2018CF560)

Before Stark, P.J., Hruz and Gill, 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).

Counsel for Kristy Lee Sieker has filed a no-merit report concluding no grounds exist to challenge Sieker's convictions for two counts of misappropriating personal identifying information or documents, one count of theft, and two counts of misdemeanor bail jumping. Sieker was informed of her right to file a response to the no-merit report, and she has not responded. Upon our independent review of the records as mandated by *Anders v. California*, 386 U.S. 738 (1967), this court concludes that there is no arguable merit to any issue that could

be raised on appeal. Therefore, we summarily affirm the judgments of conviction. *See* WIS. STAT. RULE 809.21 (2019-20).¹

In Brown County case No. 2018CF224, the State charged Sieker with two counts of misappropriating personal identifying information or documents and one count of theft. The charges arose from allegations that Sieker withdrew funds from a client's bank accounts while employed at an accounting firm. In Brown County case No. 2018CF560, the State charged Sieker with two counts of endangering safety by the negligent handling of a dangerous weapon, both counts as an act of domestic abuse; one count of disorderly conduct as an act of domestic abuse; one count of disorderly conduct while possessing a dangerous weapon; and one count of felony bail jumping. The newer charges arose from allegations that Sieker threatened her live-in boyfriend with a knife during separate arguments.

Pursuant to a plea agreement, the State amended one of the endangering safety counts and the felony bail jumping count in case No. 2018CF560 to two counts of misdemeanor bail jumping. In exchange for Sieker's no-contest pleas to all three counts in case No. 2018CF224 and the two counts of misdemeanor bail jumping in case No. 2018CF560, the State agreed to recommend that the circuit court dismiss and read in the remaining charges. The State also agreed to recommend five years' probation with conditions that included restitution, no contact with the victims of case No. 2018CF224, and one year in the county jail. Out of a maximum possible twenty-two-year sentence in case No. 2018CF224, the court withheld sentence and imposed three years of probation on the misappropriation charges and five years of probation on

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

the theft charges. All counts ran concurrent and each included one year of conditional jail time with Huber privileges. In case No. 2018CF560, the court imposed the maximum nine-month sentences for each of the misdemeanor bail jumping convictions, but it ran those sentences concurrent with each other and concurrent with the conditional jail sentence imposed in case No. 2018CF224.

The no-merit report addresses whether Sieker knowingly, intelligently and voluntarily entered her no-contest pleas; whether the circuit court erroneously exercised its sentencing discretion; and whether there are any grounds to challenge the effectiveness of Sieker's trial counsel. Upon reviewing the record, we agree with counsel's analysis and conclusion that there is no arguable merit to any of these issues.

We note that at the plea hearing, the circuit court failed to personally advise Sieker of the potential deportation consequences of her pleas, as mandated by WIS. STAT. § 971.08(1)(c). However, in order to obtain relief because of such an omission, a defendant must show that the plea is likely to result in deportation, exclusion from admission, or denial of naturalization. *See State v. Negrete*, 2012 WI 92, ¶26, 343 Wis. 2d 1, 819 N.W.2d 749. Nothing in the record suggests Sieker would be subject to adverse immigration consequences.

Our independent review of the records discloses no other potential issue for appeal.

Therefore,

IT IS ORDERED that the judgments are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Daniel R. Goggin II is relieved of his obligation to further represent Kristy Lee Sieker in these matters. *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