

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

JULY 15, 1997

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 96-2481-CR-NM

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

PATRICK T. RAMSEY,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Milwaukee County: KITTY K. BRENNAN, Judge. *Affirmed.*

WEDEMEYER, P.J.¹ Following a bench trial, Patrick Ramsey was convicted of one count of carrying a concealed weapon, contrary to § 941.23, STATS. The trial court sentenced Ramsey to 120 days of confinement to the House of Correction with Huber privileges, consecutive to any other sentence. Ramsey's

¹ This appeal is decided by one judge, as provided by § 752.31(2), STATS.

appellate counsel, Attorney Duke J. Lehto, has filed a no merit report pursuant to RULE 809.21, STATS., and *Anders v. California*, 386 U.S. 738 (1967). Ramsey was served with a copy of the no merit report and informed of his right to respond to it. Ramsey elected not to respond.

The no merit report identifies two potential issues for appellate review: (1) whether there was sufficient evidence to support the trial court's finding of Ramsey's guilt of carrying a concealed weapon; and (2) whether the sentence imposed resulted from the trial court's misuse of discretion.² Upon consideration of the no merit report and an independent review of the record, this court concludes that neither of these issues has arguable merit.

Our review of a challenge to the sufficiency of evidence is narrow, and our inquiry is limited to whether the trier of fact, acting reasonably, could be convinced by the evidence to the required degree of certitude. *See State v. Poellinger*, 153 Wis.2d 493, 503, 451 N.W.2d 752, 756 (1990).

If any possibility exists that the trier of fact could have drawn the appropriate inferences from the evidence adduced at trial to find the requisite guilt, an appellate court may not overturn a verdict even if it believes that the trier of fact should not have found guilt based on the evidence before it.

Id., 153 Wis.2d at 507, 451 N.W.2d at 758 (1990) (citations omitted). The record contained circumstantial evidence upon which the trial court could reasonably infer that Ramsey carried a concealed weapon when confronted by police for an unrelated traffic infraction. Viewing the evidence most favorably to the

² We note that the record on appeal does not contain a transcript of the sentencing hearing conducted in this case.

conviction, as we must, *see id.*, we conclude that there was ample evidence here to support Ramsey's conviction for carrying a concealed weapon.

The court also agrees with the no merit report that the issue of the trial court's exercise of discretion at sentencing is moot since Ramsey has already completed service of the sentence imposed in this case. *See Rainey v. State*, 65 Wis.2d 374, 374-76, 222 N.W.2d 620, 621, *motion for r'hrq denied*, 224 N.W.2d 194 (1974) (appeal from trial court order denying defendant's postconviction motion dismissed as moot since defendant discharged from custody one month before appeal reached court's calendar).

This court concludes further that the record does not disclose any other potentially meritorious issues for appeal. Accordingly, the judgment of conviction is affirmed, and Attorney Lehto is relieved of further representing Ramsey in this matter.

By the Court.—Judgment affirmed.

