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**DISTRICT II**

September 6, 2023

To:

Hon. Daniel J. Borowski  
Circuit Court Judge  
Electronic Notice

Chris Koenig  
Clerk of Circuit Court  
Sheboygan County Courthouse  
Electronic Notice

Winn S. Collins  
Electronic Notice

Angela Conrad Kachelski  
Electronic Notice

Maleak Brown, #704489  
Green Bay Correctional Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

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

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2022AP1383-CRNM      State of Wisconsin v. Maleak Brown (L.C. #2020CF955)

Before Gundrum, P.J., Neubauer 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).**

Maleak Brown appeals a judgment of conviction for one count of first-degree recklessly endangering safety with use of a dangerous weapon as party to a crime and one count of armed carjacking as party to a crime.<sup>1</sup> Appointed appellate counsel has filed a no-merit report pursuant

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<sup>1</sup> At the time Brown committed these offenses, the carjacking offense was categorized as a Class C felony. *See* WIS. STAT. § 943.23(1g) (2019-20). The statutes were subsequently amended so that the same offense is now a Class B felony. *See* 2023 Wis. Act 10, §§ 21 and 24 (amending WIS. STAT. § 943.23(1g) and renumbering the statute to WIS. STAT. § 943.231(1)). The record shows that Brown's offense was properly treated as a Class C felony.

to WIS. STAT. RULE 809.32 (2021-22)<sup>2</sup> and *Anders v. California*, 386 U.S. 738 (1967). Brown was advised of his right to file a response but has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Brown was initially charged with one count of first-degree recklessly endangering safety with use of a dangerous weapon as party to a crime, two counts of armed carjacking as party to a crime, and one count of attempted armed carjacking as party to a crime. Pursuant to a plea agreement, he pled guilty to the endangering safety count and one of the carjacking counts. The remaining two counts were dismissed and read in for sentencing purposes, as were other charges in a separate case. The circuit court sentenced Brown to three years of initial confinement and five years of extended supervision on the endangering safety count and to four years of initial confinement and five years of extended supervision on the carjacking count, with the sentences to run consecutive to one another.

The no-merit report first addresses whether Brown's guilty pleas could be withdrawn because they were not knowing, intelligent, and voluntary. We agree with counsel that there is no arguable merit to this issue. The circuit court's plea colloquy with Brown, including the court's references to the plea questionnaire and waiver of rights form, complied with the requirements of WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. We see no other arguable basis for Brown to seek plea withdrawal.

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<sup>2</sup> All further references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

The no-merit report next addresses whether the circuit court erroneously exercised its sentencing discretion. We agree with counsel that there is no arguable merit to this issue. The court considered the required sentencing factors along with other relevant factors. *See State v. Gallion*, 2004 WI 42, ¶¶37-49, 270 Wis. 2d 535, 678 N.W.2d 197. The court did not consider any improper factors. Brown’s sentences were within the allowed maximum and could not be challenged as unduly harsh or so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We see no other nonfrivolous basis on which Brown might challenge his sentences.

Based upon our independent review of the record, we have found no other arguable basis to pursue further appellate proceedings. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

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 Angela Conrad Kachelski is relieved from further representing Maleak Brown in this appeal. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*