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**DISTRICT I**

May 7, 2024

To:

Hon. Michael J. Hanrahan  
Circuit Court Judge  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Brian Patrick Mullins  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Mark Antoine Seals  
2949 N. Sherman Boulevard  
Milwaukee, WI 53210

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

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2023AP947-CRNM      State of Wisconsin v. Mark Antoine Seals (L.C. # 2019CF1635)

Before White, C.J., Donald, P.J., and Colón, J.

**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).**

Mark Antoine Seals appeals a judgment convicting him of multiple drug-related crimes. Appellate counsel, Brian Patrick Mullins, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22),<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Seals has not responded. We have independently reviewed the record and the no-merit report, as mandated by *Anders*. We conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

The State charged Seals with two counts of delivering between three and ten grams of heroin as a repeater. The State later filed an amended information, which added two charges of delivering fentanyl as a subsequent offender. According to the charging documents, law enforcement worked with a confidential source and arranged two controlled drug buys during which Seals sold the source heroin. Subsequent testing of the heroin indicated the presence of fentanyl.

The matter proceeded to trial where Detective Jasemin Pasho testified in detail about the controlled buys. Wisconsin State Crime Laboratory Analyst Birjees Kauser testified that she tested the substances obtained as a result of the controlled buys and that the substances tested positive for both heroin and fentanyl. The jury found Seals guilty as charged. The trial court sentenced Seals to four years of initial confinement and four years of extended supervision on each count to run concurrently to each other and consecutively to any other case. Following sentencing, Seals's postconviction counsel filed a postconviction motion asking the trial court to amend the judgment of conviction to reflect additional sentence credit. The postconviction court granted the motion and amended the judgment of conviction to reflect 103 days of sentence credit. This no-merit report follows.

Appellate counsel's no-merit report addresses two issues: (1) whether the evidence presented at trial was sufficient to support the convictions; and (2) whether the trial court erroneously exercised its sentencing discretion.

When this court considers the sufficiency of evidence presented at trial, we apply a highly deferential standard. *State v. Kimbrough*, 2001 WI App 138, ¶12, 246 Wis. 2d 648, 630 N.W.2d 752. We “may not reverse a conviction unless the evidence, viewed most favorably to

the [S]tate and the conviction, is so insufficient 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, 501, 451 N.W.2d 752 (1990). The finder of fact, not this court, considers the weight of the evidence and the credibility of the witnesses and resolves any conflicts in the testimony. *Id.* at 503-04.

Here, the jury heard detailed testimony about the controlled buys and the drug-testing process. Detective Pasho also testified about video recordings and audio recordings from the controlled buys, which were admitted into evidence. Detective Pasho also testified about the confidential source’s text messages with Seals. Lab testing also confirmed that the substances obtained from the buys were heroin and fentanyl. We agree with appellate counsel’s determination that there is no arguable merit to challenging the sufficiency of the evidence supporting the verdicts.

Appellate counsel also addresses whether the trial court erroneously exercised its sentencing discretion. *See State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Our review of the record confirms that the trial court thoroughly considered the relevant sentencing objectives and factors. The sentence the trial court imposed is within the range authorized by law, *see State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and is not so excessive so as to shock the public’s sentiment, *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). There would be no arguable merit to a challenge to the trial court’s sentencing discretion.

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any arguably meritorious issue for appeal. 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, affirm the judgment of conviction, and relieve Attorney Mullins of further representation of Seals in this appeal.

Upon the foregoing, therefore,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Brian Patrick Mullins is relieved of further representation of Mark Antoine Seals in this matter. *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*