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**DISTRICT I**

August 14, 2018

To:

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Sturtevant, WI 53177-0900

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

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2017AP2121-CRNM      State of Wisconsin v. Mobashar Ahmad Malik  
(L.C. # 2015CF4211)

Before Brennan, Brash and Dugan, 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).**

Mobashar Ahmad Malik appeals a judgment convicting him after a jury trial of burglary, while armed with a dangerous weapon, and attempted armed robbery, both as a party to a crime. Attorney Marcella De Peters was appointed to represent Malik and filed a no-merit report

seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2015-16),<sup>1</sup> and *Anders v. California*, 386 U.S. 738, 744 (1967). Malik was informed of his right to respond to the no-merit report, but he has not responded. After considering the no-merit report and conducting an independent review of the record, we conclude that there are no issues of arguable merit that Malik could raise on appeal.

The no-merit report addresses whether there would be arguable merit to a claim that the evidence was insufficient to support the verdict. When reviewing the sufficiency of the evidence, we look at whether “the evidence, viewed most favorably to the state and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Zimmerman*, 2003 WI App 196, ¶24, 266 Wis. 2d 1003, 669 N.W.2d 762 (citation omitted). “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 [the] verdict.” *Id.* (citation omitted).

The testimony and other evidence adduced at trial are summarized in the no-merit report. Based on our thorough review of the trial transcripts, and viewing the evidence in the light most favorable to the jury’s verdict, we conclude there was sufficient evidence to convict Malik.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court misused its discretion when it sentenced Malik to an aggregate term of nine years of initial confinement and five years of extended supervision. The circuit court considered appropriate factors in deciding the length of sentence to impose and explained its application of

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

the various sentencing guidelines in accordance with the framework set forth in *State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. Therefore, there would be no arguable merit to an appellate challenge to the sentence.

Our independent review of the record reveals no arguable basis for reversing the judgment of conviction. Therefore, we affirm the judgment and relieve appellate counsel of further representation of Malik.

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

IT IS FURTHER ORDERED that Attorney Marcella De Peters is relieved of any further representation of Mobashar Ahmad Malik 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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*Sheila T. Reiff*  
*Clerk of Court of Appeals*