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**DISTRICT I**

August 11, 2020

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

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2019AP1005-CRNM      State of Wisconsin v. Martaouse C. Holloway  
(L.C. # 2016CF5622)

Before Brash, P.J., Dugan and White, J.J.

Martaouse C. Holloway appeals a judgment convicting him after a jury trial of one count of second-degree reckless homicide and one count of unlawfully possessing a firearm as a convicted felon. His appointed appellate counsel, Attorney John T. Wasielewski, filed a no-merit report pursuant to WIS. STAT. Rule 809.32 (2017-18), and *Anders v. California*, 386 U.S. 738 (1967). Holloway received a copy of the report and was advised of his right to file a response, but he has not responded. After considering the no-merit report and conducting an independent review

of the record as mandated by *Anders*, we conclude that there are no issues of arguable merit that could be raised on appeal. *See* WIS. STAT. Rule 809.21. Accordingly, we affirm.

The no-merit report first addresses whether there would be arguable merit to a claim that there was insufficient evidence adduced at trial to support the conviction. We view the evidence in the light most favorable to the verdict, and if more than one inference can be drawn from the evidence, we must accept the one drawn by the trier of fact. *See State v. Poellinger*, 153 Wis. 2d 493, 504, 451 N.W.2d 752 (1990). The no-merit report recounts the evidence that supports the conviction, including Holloway's statement to the police implicating himself. Our review of the trial transcripts and other evidence persuades us that that there was ample evidence to support the conviction. Therefore, we conclude that there would be no arguable merit to a challenge to the sufficiency of the evidence on appeal.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court misused its sentencing discretion. The circuit court sentenced Holloway to fifteen years of initial incarceration and seven years of extended supervision for second-degree reckless homicide. The circuit court also sentenced Holloway to four years of initial confinement and five years of extended supervision for unlawfully possessing a firearm as a convicted felon. The circuit court imposed the sentences consecutively to each other, but concurrently to a sentence Holloway was already serving. While the circuit court's sentencing remarks were brief, it considered the nature of the crime, Holloway's character and the risk he presents to the community, noting that this senseless shooting occurred when Holloway was on supervision for a weapons related offense. The circuit court identified the factors applicable to this case and addressed them in its sentencing decision, reaching a reasonable result that was intended to punish Holloway and deter others. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (the court must identify

the factors it considered and explain how those factors fit the sentencing objectives and influenced its sentencing decision). Therefore, there would be no arguable merit to a challenge to the sentence.

Our review of the record discloses no other potential issues for appeal. Accordingly, we accept the no-merit report, affirm the conviction and discharge appellate counsel of the obligation to represent Holloway further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney John T. Wasielewski is relieved from further representing Martaouse C. Holloway 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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*Sheila T. Reiff*  
*Clerk of Court of Appeals*