



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT III

May 23, 2023

To:

Hon. Tammy Jo Hock
Circuit Court Judge
Electronic Notice

John VanderLeest
Clerk of Circuit Court
Brown County Courthouse
Electronic Notice

Thomas Brady Aquino
Electronic Notice

Winn S. Collins
Electronic Notice

Muhammad Rahem Hoskins 601563
Redgranite Correctional Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

2022AP2174-CRNM State of Wisconsin v. Muhammad Rahem Hoskins
(L. C. No. 2020CF900)

Before Stark, P.J., Hruz and Gill, 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).

Counsel for Muhammad Rahem Hoskins has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22),¹ concluding that no grounds exist to challenge Hoskins' convictions for first-degree recklessly endangering safety by use of a dangerous weapon, possession of a firearm by a felon, and second-degree recklessly endangering safety by use of a dangerous weapon. Hoskins was informed of his right to file a response to the no-merit report, but he has not responded. Upon our independent review of the record as mandated by *Anders v.*

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

California, 386 U.S. 738 (1967), we conclude that there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

According to the charging documents, on May 22, 2020, a “disturbance” involving multiple individuals took place in a Green Bay park. During the disturbance, an individual who was later identified as Hoskins fired multiple shots from a .40 caliber handgun. One of those shots passed through Andrew’s² left leg, breaking his femur and damaging blood vessels. Another shot struck a nearby residence with two adults and three children inside.

Based on these events, the State charged Hoskins with attempted first-degree intentional homicide (pertaining to the shooting of Andrew), possession of a firearm by a felon,³ and five counts of second-degree recklessly endangering safety by use of a dangerous weapon (one count for each individual who was inside the house that was struck by a bullet). Hoskins filed various pretrial motions, namely: a motion to dismiss based on the circuit court’s failure to timely hold his preliminary hearing; a motion to suppress certain witnesses’ identifications of Hoskins as the shooter; a motion to dismiss the second-degree recklessly endangering safety charges on the grounds that the State could not meet its burden of proof; and a motion to dismiss four of the second-degree recklessly endangering safety charges on multiplicity grounds.

The circuit court scheduled a hearing on Hoskins’ pending motions. At the beginning of the hearing, however, the parties informed the court that they had reached a plea agreement and

² Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we refer to the victim using a pseudonym.

³ The charging documents alleged that Hoskins had been convicted of a felony in April 2013.

that Hoskins was withdrawing his motions. Pursuant to the plea agreement, the State amended the charge of attempted first-degree intentional homicide to first-degree recklessly endangering safety by use of a dangerous weapon. Hoskins agreed to enter no-contest pleas to the amended charge, to the charge of possession of a firearm by a felon, and to one count of second-degree recklessly endangering safety by use of a dangerous weapon. In exchange for Hoskins' pleas, the parties agreed that the remaining counts would be dismissed and read in. The plea agreement further provided that the parties would jointly request a presentence investigation report and that both sides would be free to argue at sentencing.

Following a plea colloquy, supplemented by a signed plea questionnaire and waiver of rights form, the circuit court accepted Hoskins' no-contest pleas, finding that they were freely, voluntarily, and intelligently made. Hoskins' attorney agreed that the court could rely on the facts alleged in the complaint as the factual basis for Hoskins' pleas, which the court then did. The court ultimately imposed concurrent and consecutive sentences totaling twelve years of initial confinement followed by ten years of extended supervision. The court also ordered Hoskins to pay Andrew \$19,075 in restitution, after Hoskins informed the court that he did not object to Andrew's request for restitution in that amount.

The no-merit report addresses: (1) whether Hoskins' no-contest pleas were knowing, intelligent, and voluntary; and (2) whether the circuit court erroneously exercised its sentencing discretion. We agree with counsel's description, analysis, and conclusion that these potential issues lack arguable merit, and we therefore do not address them further. Although not addressed in the no-merit report, we also observe that the record reveals no arguable basis for a claim that Hoskins' trial attorney was constitutionally ineffective.

Our independent review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Thomas Brady Aquino is relieved of any further representation of Muhammad Rahem Hoskins in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals