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DISTRICT NO. I

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**CLERK OF COURT OF APPEALS
OF WISCONSIN**

CASE NO. 2017AP000364-CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

Vs.

ANTHONY IVEN JONES,
AKA HASHIM HASAN

Defendant-Appellant,

APPEAL FROM A JUDGMENT OF CONVICTION FROM THE
CIRCUIT COURT, MILWAUKEE COUNTY,
THE HONORABLE MICHELLE ACKERMAN HAVAS AND CYTHIA MAE DAVIS
PRESIDING

BRIEF AND APPENDIX OF DEFENDANT-APPELLANT

SUSAN M. ROTH
State Bar I.D. No. 1064373

KOHN SMITH ROTH LAW OFFICES
1110 N. Old World 3rd Street
Suite 201
Milwaukee, WI 35203
(414) 273-0203

Attorneys for the Defendant-
Appellant

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STATEMENT OF THE ISSUES

I. WAS THERE SUFFICIENT EVIDENCE TO CONVICT THE DEFENDANT-APPELLANT?

TRIAL COURT ANSWERED: DID NOT ADDRESS THIS ISSUE

II. SHOULD THE DOMESTIC ABUSE ASSESSMENT HAVE BEEN APPLIED TO THE DEFENDANT-APPELLANT'S CONVICTION?

TRIAL COURT ANSWERED: YES

III. SHOULD THE DEFENSE REQUEST TO AMEND THE JUDGMENT OF CONVICTION BEEN GRANTED IN FULL?

TRIAL COURT ANSWERED: NO

STATEMENT ON ORAL ARGUMENT AND PUBLICATION

Appellant submits that the legal issues are clearly set forth in the Briefs, and the factual situation is properly reflected in the Statements of Fact and Briefs. Therefore, oral argument and publication are not necessary, but would be welcome if the Court so decides.

STATEMENT OF THE CASE

The following references Milwaukee County Case Number 15CM3542, as that case is of integral relation to the case at hand, Case Number 15CM4252.

On October 8, 2015, a criminal complaint was filed in Milwaukee County Case Number 15CM3542, charging Mr. Hasan with: Count 1 - Disorderly Conduct, in violation of Wis. Stats. Sec. 947.01(1); Count 2 - Battery, in violation of Wis. Stats. Sec. 940.19(1); Count 3 - Disorderly Conduct, in violation of Wis. Stats. Sec. 947.01(1); Count 4 - Intimidate Victim/Dissuade Report, in violation of Wis. Stats. Sec. 940.44(1).¹ Mr. Hasan made his initial appearance on that day, and was released pursuant to the conditions of a \$1,000 signature bond, which included a condition that he have no contact with TCW (DOB 1/13/78), and PJ (DOB 8/9/66).²

On December 5, 2015, a criminal complaint was filed in Milwaukee County Case Number 15CM3542, charging Mr. Hasan with: Count 1 - Bail Jumping, in violation of Wis. Stats. Sec. 946.49(1)(a), 939.51(3)(a), and 973.055(1). (R:1) (A-App. 103). That complaint alleged Mr. Hasan violated the conditions of his signature bond in Case No. 15CM3542. See

¹ See CCAP Entry - Milwaukee County Case No. 15CM3542.

² See Id.

Id. Mr. Hasan made his initial appearance on that day, and bail was set at \$300.00 cash, with a condition that Mr. Hasan have no contact with TCW (DOB 1/13/78).³

On December 21, 2015, Mr. Hasan appeared before the Honorable Jeffrey A. Wagner for a pretrial conference, wherein the case was joined with Case No. 15CM3542 for a jury trial, a date for the same having been previously set for January 25, 2016.⁴ On January 25, 2016, Mr. Hasan again appeared before Judge Wagner, who, due to the court's calendar, adjourned the case for trial in Circuit Court Branch 45, the Honorable Michelle Ackerman Havas, presiding.⁵ The case was set for a jury trial on March 21, 2106.⁶

Mr. Hasan's trial commenced as to both cases on March 21, 2016.⁷ On March 23, 2016, the jury returned verdicts as to all counts of both complaints, finding Mr. Hasan not guilty as to all counts in Case No. 15CM3542, and convicting him of Bail Jumping, the sole count in Case No. 15CM4252.⁸ (R:19) (A-App. 138).

A Notice of Intent to Seek Postconviction Relief was filed on April 7, 2016, followed by a postconviction motion on

³ See CCAP Entry - Milwaukee County Case No. 15CM4252.

⁴ See Id.

⁵ See Id.

⁶ See Id.

⁷ See Id.

⁸ See Id.

January 27, 2017. (R:18) (A-App. 114) (R:30) (A-App. 115). The Decision and Order on the postconviction motion was filed on February 6, 2017, which denied the defense request to remove the Domestic Violence Abuse Assessment and amended the Judgment of Conviction to have "Hashim Hasan" appear as an A.K.A. (R:31) (A-App. 133). The Notice of Appeal and Statement on Transcript were filed on February 24, 2017.⁹

STATEMENT OF THE FACTS

The defense will address both the facts alleged in case ending -3542 and case ending -4252, as the cases were tried together and thus the allegations in both cases pertain to this appeal, despite Mr. Hasan being acquitted of the charges in case ending -3542.

In the case ending -3542, Mr. Hasan was charged with two counts of Disorderly Conduct, one count of Misdemeanor Battery, and one count of Misdemeanor Intimidation of a Victim, all with Domestic Abuse Assessments. (R:1) (A-App. 103). In that case, Mr. Hasan's wife, Tamika Walker, alleged that on October 5, 2015, during an argument about their divorce, Mr. Hasan pushed her, kicked her, and threatened her

⁹See CCAP Entry - Milwaukee County Case No. 15CM4252.

to try to prevent her from calling law enforcement. Id. A no contact order was put in place as a condition of Mr. Hasan's bail, which included a provision that he remain at least 500 feet away from Ms. Walker and her residence. Id.

In the case ending -4252, Mr. Hasan was charged with one count of Misdemeanor Bail Jumping, also with a Domestic Abuse Assessment. According to the criminal complaint, Ms. Walker alleged that on December 3, 2015, the couple's 19-year-old son walked into her residence while speaking with Mr. Hasan on a mobile phone. Id. Ms. Walker alleged that her son stated Mr. Hasan said he was "going to break all the restraining orders" and that she overheard Mr. Hasan, via speakerphone, say he would "break all of the restraining orders if someone comes over."¹⁰ Id. She also alleged that Mr. Hasan was screaming something about the restraining order outside the front of the house. Id. When law enforcement arrived, they located Mr. Hasan about 100 feet from the residence, at which point Mr. Hasan indicated he was at the home to pick up his son. Id.

At trial, Ms. Walker, Jibraeel Hasan (the 19-year-old son), Officer Andrew Gross, Officer, Michael Driscoll, Officer Matthew O'Malia, and Mr. Hasan testified. (R:38).

¹⁰ It should be noted that Ms. Walker obtained an injunction against Mr. Hasan in Milwaukee County Case No. 15-FA-6585.

Ms. Walker testified that on December 3, 2015, Jibraeel Hasan (herein after Jibraeel) told her that Mr. Hasan was threatening to break the restraining orders, and, as he was speaking to Mr. Hasan on the phone, put the phone on speaker and at that point Mr. Hasan spoke directly to Ms. Walker and threatened again to break the restraining orders. Id. at 15. She further elaborated that she knew Mr. Hasan was in front of the house because she could hear him "hollering" though the window. Id. at 16. Ms. Walker stated that Mr. Hasan was near the house to pick Jibraeel up, as he had done in the past, and that he would normally park about a block away from the home when he would come to pick up the children. Id. at 17.

Jibraeel Hasan was next to testify, and he denied that his father instructed him to relay a message to his mother on December 3. Id. at 38. He also denied placing his phone on speakerphone while talking to his father. Id. Jibraeel testified that his father was upset because he (Mr. Hasan) was concerned about individuals coming to the house and endangering the children. Id. at 42. He indicated that his father was about a block to a block and a half away from the house "because he can't come near the house" and that he had begun speaking with his father outside but continued the conversation over the phone when he (Jibraeel) had to re-

enter the home to retrieve an item. Id. at 42. Jibraeel indicated he kept his father on the phone upon entering the house because he was afraid of an individual who might be at the home. Id. at 43. Finally, he refuted his mother's allegations relating to the case ending -3542, and indicated that he, in fact, never even spoke to law enforcement regarding that matter as was claimed, but that rather his mother spoke to law enforcement on his behalf. Id. at 28-34.

Officer Matthew O'Malia testified as to his response to Ms. Walker's residence on December 3, 2015. Id. at 63. He indicated that upon arriving on the scene, Mr. Hasan was located "approximately 2 houses" north of the residence. Id. at 64. He was then directed to Exhibit 4, which he identified as a "satellite image of the neighborhood I was dispatched to that day." Id. at 64-65, (R:12). Officer O'Malia referenced three numbers on the map that referenced Mr. Hasan's location, the location of Mr. Hasan's vehicle, and the residence. Id. Based on the map, the officer testified that Mr. Hasan was located 92.21 feet from the residence, a distance he believed to be accurate because in his work as a police officer he regularly estimates distances. (R:38) at 66-67. Officer O'Malia was then shown Exhibit 5, which he identified as the No Contact Order from the case ending -3542, which stated

that Mr. Hasan was to remain at least 500 feet from Ms. Walker and her residence. Id. at 70, (R:13).

Finally, Mr. Hasan testified. He testified that on December 3, 2015, he parked approximately two to three blocks from the residence and called Jibrael to alert him that he was there to pick up Jibrael. (R:38) at 99. Upon speaking with his son, Jibrael sounded "very different on the phone, which concerned Mr. Hasan as his son stated he was worried about a man coming over to the house. Id. He testified that the man had previously sent him (Mr. Hasan) death threats and that he was concerned about his family. Id. at 100. Mr. Hasan stated he told his son, over the phone, that "[Ms. Walker] should really keep the dude away from the house because I don't want to have to break all the restraining orders in order to protect you all." Id. He stated that at no point did he ask his son to put the phone on speaker phone and did not know if his son was in the presence of anyone else the time they were engaged in the phone call. Id. at 100-101. Mr. Hasan did not have direct contact with Ms. Walker. Id. at 101. He testified that he eventually brought his vehicle nearer to the residence, having previously been a few blocks away, when he realized his wife was on the phone with law enforcement and felt he should be available to talk to speak with them. Id. at 118.

I. THERE WAS NOT SUFFICIENT EVIDENCE TO CONVICT
THE DEFENDANT-APPELLANT.

There was insufficient evidence to convict Mr. Hasan of Count 1 in case 15-CM-4252. In the instant case, Mr. Hasan was charged with one count of Bail Jumping, in violation of Wis. Stats. Sec. 946.49(1)(a), 939.51(3)(a), and 973.055(1). (R:1) (A-App. 103). The criminal complaint alleged that Mr. Hasan was in violation of the conditions of his bail in the case ending -3542 when, on December 3, 2015, he was less than 500 feet from his wife's residence and had 3rd party contact with her by relaying a message to her via a child they share, Jibraeel Hasan, via a phone call placed on the "speakerphone" function.¹¹ (R:1) (A-App. 103).

Mr. Hasan understands that an Appellate Court is reluctant to overturn a jury's verdict, as the jury is in the best position to analyze the facts of the case as the jurors hear the evidence first hand. However, in this situation and in the interests of justice, Mr. Hasan respectfully requests that the Court hear his argument to overturn the jury's verdict.

¹¹For a detailed overview of the allegation, please see Statement of Facts portion of this brief.

State v. Poellinger, 153 Wis.2d 493, 507, 451 N.W.2d 752 (1990), establishes the standard, on appeal, used to analyze a claim of sufficiency of the evidence to support a conviction. The Court in Poellinger indicated that an appellate court cannot "substitute its judgment for that of the trier of fact unless 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. Poellinger, 153 Wis. 2d 493, 507, 451 N.W.2d 752, 757-58 (1990). In this case, Mr. Hasan submits that there was insufficient evidence to convict him beyond a reasonable doubt of Count 1 in the criminal complaint. That is, Mr. Hasan contends that there was not enough evidence to convict him beyond a reasonable doubt of Bail Jumping, and that the conviction for the same should be set aside.

As it is unclear for what reason the jury convicted Mr. Hasan of bail jumping, the Defense will address the two possible reasons in turn.

The first potential basis for Mr. Hasan's bail jumping conviction was that Mr. Hasan had 3rd party contact with his wife via their son, Jibraeel. At trial, Ms. Walker testified that, on December 3, 2017, her son Jibraeel was inside the family home speaking with Mr. Hasan on the phone, and that

during that phone call, Jibraeel relayed to her that Mr. Hasan was threatening to "break all the restraining orders." Ms. Walker further testified that Jibraeel placed the phone on the speakerphone function, at which point Mr. Hasan repeated the threat directly to her. (R:38) at 15. Jibraeel denied that his father requested that he relay a message to Ms. Walker and denied placing the phone on speakerphone. Id. at 38. He also refuted his mother's claims as to all of the charges in the case ending -3542. Id. at 28-34. Mr. Hasan testified that he never asked his son to place the phone on speakerphone, and stated that he had no idea who was in the vicinity of his son when the two of them were speaking on the phone. Id. at 100-101. He also denied the claims that his wife made which were the basis of the charges in the case ending -3542. Id. at 87-129, generally.

As to the allegation that Mr. Hasan was less than 500 feet from Ms. Walker's residence, Ms. Walker testified that during the alleged "speakerphone" call between Mr. Hasan and Jibraeel, she knew that Mr. Hasan was near the home because she could hear him "hollering" outside. Id. at 16. Jibraeel testified that during the aforementioned phone call, his father was about a block to a block and half away from the house because "he can't come near the house." Id. at 42. Officer O'Malia testified that upon arriving at the

residence, Mr. Hasan was "approximately 2 houses" away and that, more precisely, he was 92.21 feet from the residence, a distance that he determined by using a satellite mapped image of the residence and surrounding properties. Id. at 64-70 Finally, Mr. Hasan testified that he only came nearer to the home when he became aware that law enforcement was coming to the scene and wanted to make himself available to them. Id. at 118.

No reasonable jury could find Mr. Hasan guilty of bail jumping in the instant case, and the Defense respectfully submits that the only possible explanation for a conviction for the same is that the jury compromised: They felt compelled to find Mr. Hasan guilty of something, and having insufficient evidence to convict him of any crime, they found him guilty of what is arguably the least aggravated charge between the two cases. The jury did not convict Mr. Hasan of any of the domestic violence related charges in the case ending -3542. Both Mr. Hasan and Jibraeel Hasan denied that Mr. Hasan committed the acts alleged in that case, while Ms. Walker claimed the allegations to be true. The same thing occurred in the instant case: Mr. Hasan and Jibraeel denied the allegation that Mr. Hasan violated the conditions of his bail, and Ms. Walker testified that he did violate those conditions. It defies logic that the jury would disbelieve Ms. Walker as

to so many aggravated allegations, and then believe her claims of bail jumping when both Mr. Hasan and his son refuted her testimony as to all of her allegations in both cases. As to Officer O'Malia's testimony regarding the use of a satellite-generated map to pinpoint Mr. Hasan as being 92.21 feet from the residence, the accuracy of that map was never established on the record, save for the officer testifying that he estimates distances as part of his job and has used satellite-generated maps in the past. With all of that taken into account, it is clear that the jury convicted Mr. Hasan of bail jumping without having sufficient evidence to do so. One can only speculate as to what occurs during jury deliberations, but that does not mean that convictions without proper evidence should be upheld. The jury's actions in this case point to a compromise and a conviction that, to a lay person, may not seem that serious. This conviction is serious, and it was not proven beyond a reasonable doubt. Thus, it should be set aside.

II. THE DOMESTIC ABUSE ASSESSMENT SHOULD NOT
HAVE BEEN APPLIED TO THE DEFENDANT-
APPELLANT'S CONVICTION.

The Domestic Violence Assessment pursuant to Wis. Stats. Sec. 973.055(1) should not have been assessed against Mr. Hasan and the Defense postconviction motion request to strike the same should have been granted.

When Mr. Hasan was charged with Bail Jumping in the instant case, it was with the Domestic Abuse Assessment per Wis. Stats. Sec. 973.055(1). (R:1) (A-App. 103). Upon conviction and sentencing, the assessment was imposed by the court. (R:19) (A-App.138).

Wis. Stats. Sec. 973.055(1) states the following:

Wis. Stats. Sec. 973.055 states:

“(1) If a court imposes a sentence on an adult person or places an adult person on probation, regardless of whether any fine is imposed, the court shall impose a domestic abuse surcharge under ch. 814 of \$100 for each offense if:

(a)

1. The court convicts the person of a violation of a crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20(1m), 940.201, 940.21, 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.32, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

2. The court finds that the conduct constituting the violation under subd. 1. involved an act by the adult person against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided or against an adult with whom the adult person has created a child; or

(b) The court convicts a person under s. 813.12 (8) (a) or a conforming municipal ordinance.

(2)

(a) If the surcharge is imposed by a court of record, after the court determines the amount due, the clerk of the court shall collect and transmit the amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2.

(b) If the surcharge is imposed by a municipal court, after a determination by the court of the amount due, the court shall collect and transmit the amount to the treasurer of the county, city, town, or village, and that treasurer shall make payment to the secretary of administration as provided in s. 66.0114 (1) (bm).

(3) All moneys collected from domestic abuse surcharges shall be deposited by the secretary of administration in s. 20.437 (1) (hh) and utilized in accordance with s. 49.165.

(4) A court may waive part or all of the domestic abuse surcharge under this section if it determines that the imposition of the full surcharge would have a negative impact on the offender's family."

Wis. Stats. Sec. 968.075(1)(a) defines "Domestic Abuse" as:

"[A]ny of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s. 940.225 (1), (2) or (3).
4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1., 2. or 3."

In State v. O'Boyle, the Wisconsin Court of Appeals stated that, regarding the relationship between Wis. Stats. Sec. 973.055 and 968.075: "[A]lthough not specifically mentioned, Implicit in Wis. Stats. Sec. 973.055 is that the complained

conduct must fall within the definition of domestic abuse found in Wis. Stats. Sec. 968.075(1)(a)1-4." State v. O'Boyle, 353 Wis.2d 305, ¶24 (2014).

In its postconviction motion, the Defense argued that the surcharge under Wis. Stats. Sec. 973.055 should not be applied to the bail jumping conviction in this case. (R:30) (A-App. 106). Under O'Boyle, the surcharge (interchangeably referred to as "assessment") applies to a conviction that involves a person with whom the defendant "lives, lived, to whom he is married or was previously married, or shares a child," but that the nature of the conviction also must meet the definition of "Domestic Violence" as defined in Wis. Stats. Sec. 968.075. (R:30) (A-App. 115) and State v. O'Boyle, 353 Wis.2d 305, ¶24 (2014). That statute defines "Domestic Violence" as "the [i]ntentional infliction of physical pain, physical injury or illness;" "the [i]ntentional impairment of physical condition;" or an "act that may cause the other person to reasonably fear imminent engagement in the conduct described under subd. 1, 2, or 3." Id.

As previously stated, Mr. Hasan was convicted of bail jumping either because the jury believed he was less than 500 feet from Ms. Walker's residence or that he had contact and/or 3rd party contact with her while speaking on the phone to their son. In its motion, the Defense argued that neither of

these allegations affected Ms. Walker in a way that she felt in imminent danger or that impaired her physical condition as enumerated in Sec. 968.075. (R:30) (A-App. 115). Officer O'Malia, who was the investigating officer in the case, even testified that Mr. Hasan was "casual" upon the officer approaching the scene, which begs the argument that Mr. Hasan was not behaving in a manner to indicate he has placed someone in danger or was threatening to harm someone. (R:30) (A-App. 115).

The trial court disagreed, and denied the Defense motion by reasoning that based on Ms. Walker's testimony, she (Ms. Walker) felt that Mr. Hasan was speaking directly to her while on the phone with their son, that he was directly threatening to her, and that Mr. Hasan was standing directly outside the home while making those threats. (R:31) (A-App. 133). The court went on to state that it was not precluded from considering the conduct in the case ending -3542, for which Mr. Hasan was acquitted, while considering the imposition of the assessment/surcharge in the instant case. Id. Thus, the court upheld the imposition of the surcharge in this case.

For all of the reasons previously stated in this brief and in its postconviction motion, the Defense respectfully submits that the surcharge should not have been applied in this case. As referenced in this brief, the Defense believes

the sole reason Mr. Hasan was convicted of bail jumping was as a compromise by the jury: It convicted him of the seemingly least aggravated crime with which he was charged because it did not find Ms. Walker's testimony credible. The Defense will not reiterate that argument in this section, as its position is clear, but submits that any criminal conviction is serious, and the surcharge applied in 973.055 is even more serious as it prohibits Mr. Hasan from possessing a firearm under federal law, a penalty usually reserved for those convicted of felonies. See 18 U.S.C. Sec. 922(g)(9). This is a serious offense with serious consequences for Mr. Hasan, and is one that the Defense submits was not proven beyond a reasonable doubt, but, in the case that this Honorable Court finds that it was, does not warrant the imposition of the surcharge/assessment under Sec. 973.055 as the offense does not fit the definition of "Domestic Violence" under Sec. 968.075(1), and thus requests that the imposition of the same be reversed and removed from the Judgment of Conviction.

III. THE DEFENSE REQUEST TO AMEND THE JUDGMENT OF
CONVICTION SHOULD HAVE BEEN GRANTED IN FULL

The Defense postconviction motion request to amend the Judgment of Conviction should have been granted in full, not in part. In the motion, the Defense requested that the Judgment of Conviction be amended to reflect Mr. Hasan's legal name, Hashim Hasan, instead of his former name, Anthony Iven Jones. (R:30) (A-App. 115). As support of the same, the Defense proffered a copy of an Order for Name Change from Milwaukee County Case No. 14-CV-2719, which reflects that on May 15, 2014, the Honorable David A. Hansher ordered that Hashim Hasan become the legal name of the Defendant and that his birth certificate be changed to reflect the same. Id. In its motion, the Defense noted that it was unclear why Mr. Hasan was charged under his prior name and not his legal name. Id. In its decision, the court agreed to amend the judgment of conviction so that "Hashim Hasan" appears as an a/k/a but that keeping a public record under the name "Anthony Iven Jones," that being the name under which he was charged, was it was in the interest of the public and law enforcement. (R: 31) (A-App.133).

The Defense respectfully submits that the name "Anthony Iven Jones" should be removed from the Judgment of Conviction in this case, and thus the same should only reflect the name

Hashim Hasan. Mr. Hasan legally changed his name in the year prior to his arrest for the two cases referenced herein. (R:30) (A-App. 115). It is unknown why law enforcement made the referral under his prior name, but the Defense posits that it is more so in the interest of the public and law enforcement that Mr. Hasan's record associates his current legal name with this case as opposed to a prior name which he no longer uses either for business or in his personal affairs. For the above-stated reasons, the Defense respectfully requests that the name Anthony Iven Jones be removed from the Judgement of Conviction in this case.

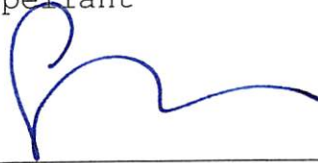
CONCLUSION

For all the reasons stated herein and the arguments set forth in support thereof, Defendant-Appellant Hashim Hasan respectfully asks that this Honorable Court reverse the decisions of the trial court in this case, and reverse and remand the same due to insufficient evidence to convict Mr. Hasan of the charge herein.

Dated this 22nd day of January, 2018.

Respectfully Submitted,

KOHN SMITH ROTH LAW OFFICES
Attorneys for Defendant-
Appellant



Susan M. Roth
State Bar I.D. No. 1064373


KOHN SMITH ROTH LAW OFFICES
1110 N. Old World 3rd Street
Suite 201
414.273.0203
414.273.8408

CERTIFICATION

I certify that this brief conforms to the rules contained in sec. 809.19(8)(b) and (c), Stats., for a brief produced using a monospaced font: 10 characters per inch; double spaced; 1.5 inch margin on the left side and 1 inch margins on the other 3 sides. The length of this brief is 20 pages.

Dated: January 22, 2018.

KOHN SMITH ROTH LAW OFFICES



Susan M. Roth
State Bar No. 1064373

KOHN SMITH ROTH LAW OFFICES
1110 N. Old World 3rd Street
Suite 201
Milwaukee, WI 53203
414.273.0203
414.273.8408

CERTIFICATE OF COMPLIANCE WITH RULE 809.19(12)

I hereby certify that:

I have submitted an electronic copy of this brief, excluding the appendix, if any, which complies with the requirements of s. 809.19(12). I further certify that:

This electronic brief is identical in content and format to the printed form of the brief filed as of this date.

A copy of this certificate has been served with this paper copies of this brief filed with the court and served on all opposing parties.

Dated: January 22, 2018.

KOHN SMITH ROTH LAW OFFICES



Susan M. Roth
State Bar No. 1064373

KOHN SMITH ROTH LAW OFFICES
1110 N. Old World 3rd Street
Suite 201
Milwaukee, WI 53203
414.273.0203
414.273.8408

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ANTHONY IVEN JONES,
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APPENDIX

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¹A blank page inserted into the original document has been omitted from this appendix.

²A blank page inserted into the original criminal complaint, which was attached to the postconviction motion, has been omitted from this appendix.