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DISTRICT I

November 9, 2026

To:

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Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
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Angela Dawn Chodak
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Scott Adrian Brown 567501
Green Bay Correctional Institution
P.O. Box 19033
Green Bay, WI 54307-9033

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

2025AP1225-CRNM State of Wisconsin v. Scott Adrian Brown (L.C. # 2022CF1288)

Before Donald, C.J., Geenen, and Petrashek, 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).

Scott Adrian Brown appeals from his judgment of conviction for being a felon in possession of a firearm, and for disorderly conduct using a dangerous weapon with domestic abuse assessments. Brown's appellate counsel, Attorney Angela D. Chodak, has filed a no-merit report pursuant to ***Anders v. California***, 386 U.S. 738 (1967) and WIS. STAT. RULE 809.32 (2023-24).[1] Brown received a copy of the report and filed a response. Upon this court's

[1] All references to the Wisconsin Statutes are to the 2023-24 version.

independent review of the record as mandated by ***Anders***, counsel's report, and Brown's response, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm. *See* WIS. STAT. RULE 809.21.

The charges against Brown stemmed from an incident with his girlfriend, A.Z.P., in March of 2022. A.Z.P. called police to report that Brown had broken her living room window and entered her apartment, grabbed her arms and began shaking her, and then pushed her into her bedroom window, causing it to break. She said that when Brown left the apartment, she saw him fire six to eight gunshots into her unoccupied vehicle. A.Z.P. told police she feared for her safety; her two children were also present in the apartment at the time of this incident.

Brown was arrested and charged with disorderly conduct using a dangerous weapon with domestic abuse assessments, and being a felon in possession of a firearm. The matter proceeded to a jury trial in September 2023.

A.Z.P. testified regarding the incident. However, her testimony was inconsistent with her initial statement to police in that she denied that Brown had a gun and that he had shot at her vehicle. Rather, she said her vehicle had been shot at the night before the incident by someone she worked with, and that she had lied to police about Brown shooting at her vehicle because she was mad at him for taking back her engagement ring. She also stated that she still loved Brown.

The officer who responded to the incident testified as well. He said that A.Z.P. was crying and "fearful" when she reported the incident. Her statement at that time was captured on the officer's body camera, which was played for the jury. It showed A.Z.P. "clearly in distress" as she told the officer about the incident. It further showed her telling the officer that Brown had

shot into her car from her porch, and describing the gun he had used. Another responding officer testified about recovering shell casings from the porch.

The jury found Brown guilty of both counts. The circuit court imposed a sentence totaling two and a half years of initial confinement followed by two and a half years of extended supervision. This no-merit appeal follows.

The no-merit report discusses pretrial procedures, as well as procedures employed at trial, and concludes that there are no issues of arguable merit. Topics discussed include jury selection, evidentiary objections and the circuit court's responses, opening statements and closing arguments, and Brown's waiver of his right to testify. The report further addresses the sufficiency of the evidence, detailing the elements the State was required to prove and the evidence it presented. The report set forth the applicable standard of review, noting that it is up to the jury to assess witness credibility, particularly with regard to the inconsistencies between A.Z.P.'s testimony and her original statement to police. *See* ***State v. Poellinger***, 153 Wis. 2d 493, 501, 503, 451 N.W.2d 752 (1990). We agree with appellate counsel's assessment that there are no issues of arguable merit relating to the trial or the pretrial proceedings.

The no-merit report also discusses the circuit court's exercise of discretion during sentencing. *See* ***State v. Gallion***, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. The record reflects that the circuit court considered relevant sentencing objectives and factors. ***State v. Ziegler***, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Additionally, the sentences imposed are within the statutory maximums, and are thus presumed not to be unduly harsh or unconscionable. *See* ***State v. Grindemann***, 2002 WI App 106, ¶32, 255 Wis. 2d 632, 648

N.W.2d 507. We therefore agree with appellate counsel that there would be no arguable merit to a challenge of Brown's sentences.

Turning to Brown's response, he first claims that jury selection was "not fair." Although difficult to discern, he appears to claim that a prospective juror "told the courtroom" about Brown's previous felony conviction in 2007, and "all the other jurores [sic] heard him." An exchange of this nature is not reflected in the record. In fact, appellate counsel notes in the no-merit report that there was nothing in the record to support a claim that the jury knew anything of Brown's past offenses, other than he had a previous felony conviction, which was stipulated to for purposes of the felon in possession charge.

Brown also raises an issue relating to A.Z.P.'s testimony that someone she worked with, not Brown, shot at her vehicle. In the no-merit report, appellate counsel states that she investigated this claim and found a police report regarding such a shooting, but it was dated six months before this incident. Counsel therefore concluded there was no credible link to A.Z.P.'s claim. Furthermore, as described above, A.Z.P.'s testimony regarding a different shooter was inconsistent with her statement to police on the night of the shooting, captured on body camera video, that it was Brown who had shot into her car. Moreover, there was testimony at trial from a responding officer regarding shell casings that were recovered from A.Z.P.'s porch, consistent with her initial statement to police that Brown had shot at her car from her porch. Again, we note that these inconsistencies were for the jury to assess. ***Poellinger***, 153 Wis. 2d at 503. We therefore conclude that there are no meritorious arguments relating to A.Z.P.'s testimony.

Additional issues raised by Brown include that the gun he used was never recovered; however, recovery of the weapon is not an element required to prove a charge of felon in

possession of a firearm. *See* WIS JI—CRIMINAL 1343. Brown also notes that A.Z.P. did not sign the police report generated after the incident; however, the officer who prepared the report testified that victims are asked to sign it, but even if they refuse, the report is still filed pursuant to state law.

Therefore, we conclude that Brown has raised no issues of arguable merit in his response. Our independent review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the convictions, and discharges appellate counsel of the obligation to represent Brown further in this appeal.

Upon the foregoing,

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

IT IS FURTHER ORDERED that Attorney Chodak is relieved of further representation of Brown in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals