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DISTRICT I

June 23, 2026

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Circuit Court Judge
Electronic Notice

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Clerk of Circuit Court
Milwaukee County Safety Building
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Angela Conrad Kachelski
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You are hereby notified that the Court has entered the following opinion and order:

2023AP2051-CRNM State of Wisconsin v. Harold D. Henderson (L.C. # 2020CF4191)

Before Colón, P.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).

Harold D. Henderson appeals from a judgment, entered on a jury's verdict, convicting him of first-degree reckless homicide with use of a dangerous weapon. Appellate counsel, Angela Conrad Kachelski, filed a no-merit report pursuant WIS. STAT. RULE 809.32 (2023-24), and *Anders v. California*, 386 U.S. 738 (1967).¹ Henderson filed a response, counsel filed a supplemental no-merit report, and Henderson filed an additional no-merit response. Upon this court's independent review of the record as mandated by *Anders*, counsel's reports, and

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

Henderson's filings, we conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment.

The State charged Henderson with one count of first-degree intentional homicide with use of a dangerous weapon. The complaint alleged that in August of 2020, G.S. was shot and killed. According to an eyewitness who was helping G.S. change a flat tire, a white pickup truck pulled up next to them and stopped on the street. Henderson got out of the passenger side of the truck, argued with G.S., and shot him. Henderson then returned to the truck, which immediately drove away. G.S. was transported to a hospital where he later died from his gunshot wound.

During the final pretrial hearing, the State advised the court that it would be amending the information and proceeding to trial on the charge of first-degree reckless homicide by use of a dangerous weapon, and the case proceeded to trial. Henderson did not dispute that he shot G.S.; however, he argued that he acted in self-defense. Henderson testified that G.S. "flinched" at him with a tire iron in his hand and turned sideways like he was going to swing it. Henderson testified that in response, he fired one shot at G.S. and said that he was aiming at G.S.'s leg, "sort of, below the waist" in an effort "to fend him off."

The jury found Henderson guilty. The circuit court sentenced him to 15 years of initial confinement and 10 years of extended supervision.

The no-merit report addresses a number of issues, including the sufficiency of the evidence to support the verdict and the circuit court's exercise of its sentencing discretion. This court is satisfied that the no-merit report properly analyzes the issues it raises as being without merit and that no procedural trial errors occurred.

In his response to the no-merit report, Henderson argues, among other things, that the circuit court failed to honor his right to discharge counsel and to conduct his own defense. Henderson additionally argues that the prosecutor engaged in misconduct by repeatedly stating that Henderson shot G.S. in the back. Counsel filed a supplemental no-merit report addressing Henderson's concerns, and this court is again satisfied that the supplemental report properly analyzes the issues Henderson raised as being without merit. We do, however, wish to briefly discuss the two aforementioned issues in more detail.

We begin with Henderson's contention that he was denied his right to conduct his own defense and to retain counsel of his choice when the circuit court denied his request to discharge counsel. During the final pre-trial hearing, Henderson informed the circuit court that he wanted "to change [his] situation and so far as let counsel go." The court denied this request, noting that the trial was three days away.

At the next court date, which was to be the start of trial, trial counsel stated that Henderson was renewing his request for a new attorney. Trial counsel stated that Henderson was under the impression that something was missing from the discovery she had provided to him. When the court inquired, Henderson confirmed: "I was trying to get my records, like photo copies and everything that's needed for me to prepare to understand my trial and what I'm going up against, the evidence." Trial counsel then represented to the court: "There is nothing that has not been reviewed." Additionally, trial counsel confirmed for the court that she had previously entered a speedy trial demand at Henderson's request and stated that she and Henderson had "met about 10 times during jail visits to discuss and strategize."

The following exchange took place:

THE COURT: Mr. Henderson, if [trial counsel] is not good enough, then who are you going to hire? I'll give you two weeks. Hire somebody.

THE DEFENDANT: I do have obligations to get appointed a lawyer, sir.

THE COURT: Sure. You can be appointed an attorney. You can also hire one.

THE DEFENDANT: I'm indigent, sir, and this paper right here states that I have—I have been indigent. I am allowed to have appointed lawyers.

The circuit court then proceeded to explain that it would not allow Henderson to come in on the day of trial, “make things up ... whole cloth and act like [trial counsel] has not done her job, and then I delay the administration of justice in this case, a case that you demanded a speedy trial on[.]” The court highlighted that the victim’s family had a right to a day in court, “[s]o there will be no game playing.... For right now this case stays on.”

In her supplemental no-merit report addressing this issue, counsel explains that the decision to relieve counsel is a matter within the circuit court’s discretion. *See State v. Lomax*, 146 Wis. 2d 356, 359, 432 N.W.2d 89 (1988) (“Whether counsel should be relieved and a new attorney appointed in his or her place is a matter within the [circuit] court’s discretion.”). Insofar as Henderson claims the court’s decision denied him his constitutional right to represent himself, counsel highlights that Henderson did not make such a request. Rather, he commented that he wanted a different attorney. We agree with counsel that the circuit court did not erroneously exercise its discretion when it denied Henderson’s last-minute request for new counsel.

Next, we turn to Henderson’s claim that the prosecutor engaged in misconduct by repeatedly stating that Henderson shot G.S. in the back. For instance, in his opening statement, the prosecutor stated: “[Henderson] ends up shooting [G.S.] sort of in the back as [G.S.] is trying

to get away from him. Having seen that he has a gun, Mr. Henderson has this big revolver, and he shoots him, gets him in the back, goes kind of across the guts I guess you could call it, right across his organs in his belly, and he runs.”

Milwaukee County’s Chief Medical Examiner testified that G.S. suffered an entrance gunshot wound on his left side—a “through-and-through gunshot wound of the abdomen. That was the cause of death.” The medical examiner detailed the specific entry wound for the jury, stating that it was on the “left flank ... it was on the side” with the exit “on the front somewhere[.]” The autopsy report, which was admitted as an exhibit, read: “Trajectory left to right, back to front[.]” The medical examiner testified to this trajectory as well.

During his own testimony, Henderson repeatedly denied shooting G.S. in the back. He stated: “When [G.S.] turned sidewise [sic], that’s when [the bullet] hit him. It didn’t hit him in the back.”

During his closing statement, the prosecutor referenced as a “solid fact[.]” that G.S. “got shot in the back. That’s where the entrance wound was, left side. It came out the belly. The trajectory was back to front, left to right.” Trial counsel, in her closing remarks, emphasized that G.S. was shot in the flank. She later referenced the medical examiner’s testimony and reiterated: “It is a left-to-right trajectory and completely lines up with, as he is taking this weapon to lunge at my client, that my client shoots.”

On this issue, in the supplemental no-merit report, counsel explains that the State’s argument that Henderson shot G.S. in the back was based on the fact that G.S. was turning when he was shot and based on the medical examiner’s conclusion that the bullet traveled from back to front. Counsel explains that this was a reasonable conclusion based upon the evidence. *See*

State v. Hurley, 2015 WI 35, ¶95, 361 Wis. 2d 529, 861 N.W.2d 174 (“A ‘prosecutor may comment on the evidence, ... argue from it to a conclusion and state that the evidence convinces him and should convince the jurors.’” (citation omitted)). We discern no arguable merit to a claim of prosecutorial misconduct based on what Henderson contends was “manufactured false evidence.”

No other issues warrant discussion. To the extent that Henderson’s responses raise additional issues, we have considered his assertions and concluded that the allegations he makes do not suggest arguably meritorious grounds for further postconviction or appellate proceedings. *See State v. Allen*, 2010 WI 89, ¶82, 328 Wis. 2d 1, 786 N.W.2d 184 (stating that the court of appeals is not required to explicitly identify and reject the nearly infinite meritless issues present in any trial transcript). Based on our independent review of the record, we conclude that any further proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Angela Conrad Kachelski is relieved of further representation of Henderson 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