

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 9, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2025AP1770-CR
STATE OF WISCONSIN**

Cir. Ct. No. 2022CF2222

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

COREY L. GRANSBERRY,

DEFENDANT-APPELLANT.

APPEAL from a judgment and an order of the circuit court for Milwaukee County: MICHAEL J. HANRAHAN and KATIE B. KEGEL, Judges.
Affirmed.

Before Colón, P.J., Geenen, and Petrashek, JJ.

¶1 GEENEN, J. Corey L. Gransberry appeals from a judgment of conviction and a circuit court order denying his postconviction motion alleging

ineffective assistance of counsel without a *Machner*¹ hearing. Gransberry was charged with attempted armed robbery and attempted first-degree intentional homicide with a dangerous weapon, as a party to a crime. The State offered Gransberry two plea deals, but he rejected them both, proceeded to trial, and was found guilty of both charges.

¶2 Gransberry argues that trial counsel performed deficiently by failing to show him “audiovisual evidence” before he rejected the State’s plea offers, including surveillance footage that captured the crimes and the police interview of one of his co-actors, Christian Baker, in which Baker directly implicated Gransberry. Gransberry asserts that trial counsel’s deficiency caused him to misunderstand the strength of the State’s case and reject favorable plea deals, and as a result, Gransberry was convicted of a more serious crime and sentenced to imprisonment exceeding what was offered (or would have been recommended) by the State in the plea deals.

¶3 We conclude that Gransberry failed to sufficiently allege that his trial counsel performed deficiently. Accordingly, Gransberry was not entitled to a *Machner* hearing, and we affirm the circuit court’s order denying his postconviction motion without holding one.

BACKGROUND

¶4 In June 2022, the State charged Gransberry with attempted armed robbery and first-degree reckless injury with the use of a dangerous weapon, as a

¹ *State v. Machner*, 92 Wis. 2d 797, 285 N.W.2d 905 (Ct. App. 1979).

party to a crime, for his role in shooting Juan² at a Milwaukee gas station. The complaint alleged that police found Juan lying unresponsive inside the gas station with two observable gunshot wounds. Police obtained surveillance footage from the gas station showing that a suspect, later identified as Gransberry, exited a pink Infiniti, entered the gas station, waited in line at the cashier, and followed Juan outside. Once back outside, Gransberry and an accomplice, who also emerged from the pink Infiniti, drew firearms and shot at Juan. Gransberry and the accomplice then returned to the pink Infiniti, which sped off.

¶5 Police later found the driver of the pink Infiniti, Christian Baker. According to the complaint, Baker told police that he drove Gransberry and the accomplice, whom he called “Turkey,” away from the gas station in the pink Infiniti after they shot Juan. Baker identified Gransberry when presented with his photo. Gransberry appeared in court with an attorney for his initial appearance, and both Gransberry and his attorney represented that they had reviewed the criminal complaint together.

¶6 Detective Thaddeus Schimmels testified at Gransberry’s preliminary hearing. Detective Schimmels testified about surveillance footage from the gas station as well as how Baker identified Gransberry as the person who exited the pink Infiniti and followed Juan into the gas station. Gransberry’s attorney cross-examined Detective Schimmels about both the surveillance footage and Baker’s police interview. The State amended the first-degree reckless injury charge to attempted first-degree intentional homicide.

² We use a pseudonym to refer to the victim in this case. WIS. STAT. RULE 809.86(1) (2023-24).

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

¶7 The State offered Gransberry two plea deals. The first offer required a guilty plea to first-degree reckless injury, while armed, and attempted armed robbery. In exchange, the State agreed to recommend twenty-five years of initial confinement and twelve years of extended supervision. Gransberry rejected the offer. The State then offered a plea to first-degree reckless injury, while armed, and dismissal of the attempted armed robbery charge. In exchange, the State agreed to recommend fifteen years of initial confinement or substantial prison time, with the amount left to the discretion of the court.³ This would have capped the possible maximum sentence at thirty years—twenty years of initial confinement and ten years of extended supervision. WIS. STAT. §§ 940.23, 939.63(1)(b). Gransberry also rejected this offer. A jury convicted Gransberry of attempted armed robbery and attempted first-degree intentional homicide with a dangerous weapon, as a party to a crime.

¶8 At sentencing, the State specifically cited Gransberry’s refusal to cooperate with law enforcement as an aggravating factor and argued that Gransberry’s pride in not snitching on his friends demonstrated callousness. In imposing Gransberry’s sentence, the circuit court noted Gransberry’s apparent lack of remorse and imposed a global sentence of twenty-five years’ initial confinement and fifteen years’ extended supervision.

¶9 Gransberry filed a postconviction motion for relief. He claimed that trial counsel performed deficiently by not “making sure that [he] had viewed the audio-visual evidence.” Specifically, he alleged that his young age, mental health issues, difficulty grasping legal concepts, and the local “no-snitching culture” made

³ Whether the State’s recommended sentence in the second plea offer was fifteen years of confinement or substantial prison time with the amount left to the discretion of the court is unclear in the record, but it does not affect our analysis.

him disbelieve that Baker cooperated with police, and trial counsel was deficient for not making Gransberry personally view Baker’s police interview. Gransberry claimed that, if he had been shown Baker’s police interview, he would have accepted responsibility for his actions and provided additional information regarding his co-actor, Turkey, and further asserts that he would have accepted a plea, cooperated with police, and improved the circuit court’s low impression of his character.

¶10 The circuit court concluded that Gransberry failed to adequately plead deficient performance. It observed that the record established Gransberry’s knowledge of both the surveillance footage and Baker’s interview with police. It stated that Gransberry’s assertion that “he could not fully grasp the emotional weight of [Baker’s] confession or the extent of his cooperation without personally viewing the materials ... [was] not sufficient to establish deficient performance.” It rejected Gransberry’s argument “that defense counsel must ensure a defendant views emotionally charged materials like a co-defendant’s confession—*particularly when no request to do so is made*[.]” Accordingly, the circuit court denied Gransberry’s motion without holding a ***Machner*** hearing.

¶11 Gransberry appeals.

DISCUSSION

I. Gransberry failed to plead material facts establishing deficient performance.

¶12 On appeal, Gransberry argues that the material facts he asserted in his postconviction motion entitle him to relief. Accordingly, he claims he was entitled to a ***Machner*** hearing.

¶13 When a court denies a postconviction motion alleging ineffective assistance of counsel without a **Machner** hearing, we evaluate two issues de novo. **State v. Jackson**, 2023 WI 3, ¶8, 405 Wis. 2d 458, 983 N.W.2d 608. “First, we assess whether the motion on its face alleges sufficient material and non-conclusory facts that, if true, would entitle the defendant to relief.” **Id.** “Second, we determine whether the record conclusively demonstrates that the defendant is not entitled to relief.” **Id.** A defendant is entitled to a **Machner** hearing if their postconviction motion “alleges sufficient and non-conclusory facts which would entitle the defendant to relief and the record does not conclusively establish otherwise[.]” **Jackson**, 405 Wis. 2d 458, ¶8. However, “[i]f the motion does not raise facts sufficient to entitle the defendant to relief, or if it presents only conclusory allegations, or if the record conclusively demonstrates that the defendant is not entitled to relief, the circuit court has the discretion to grant or deny a hearing.” **State v. Ruffin**, 2022 WI 34, ¶28, 401 Wis. 2d 619, 974 N.W.2d 432.

¶14 To prove a claim of ineffective assistance of counsel, the defendant must show that trial counsel performed deficiently and that this deficient performance was prejudicial. **Strickland v. Washington**, 466 U.S. 668, 687 (1984). To prove deficient performance, the defendant must demonstrate that trial counsel’s performance fell below an objective standard of reasonableness. **State v. Breitman**, 2017 WI 100, ¶38, 378 Wis. 2d 431, 904 N.W.2d 93. There is a “strong presumption” that trial counsel’s conduct fell “within the wide range of reasonable professional assistance[.]” **Strickland**, 466 U.S. at 689. “Prejudice occurs where the attorney’s error is of such magnitude that there is a reasonable probability that, absent the error, ‘the result of the proceeding would have been different.’” **State v. Erickson**, 227 Wis. 2d 758, 769, 596 N.W.2d 749 (1999) (quoting **Strickland**, 466 U.S. at 694). If a reviewing court determines that counsel did not perform

deficiently, it need not discuss whether the defendant was prejudiced. *Strickland*, 466 U.S. at 697.

¶15 As the circuit court correctly observed, the record reflects that Gransberry knew about the surveillance footage and about the nature of Baker's statement to police, even if he did not personally view Baker's police interview before making the decision to reject the State's plea offers and proceed to trial. By its own terms, many of the facts supporting the criminal complaint were derived from the surveillance footage. And, the criminal complaint stated that Baker gave a statement to police that implicated Gransberry. Gransberry was in court with his attorney for his initial appearance when he stated that his attorney had reviewed the complaint with him. Gransberry also appeared by Zoom for his preliminary hearing where Detective Schimmels testified about the contents of the surveillance footage and his interview with Baker, stating that Baker identified Gransberry as the passenger in the pink Infinity who followed the victim out of the gas station, produced a firearm, and shot Juan. Gransberry's trial counsel subsequently cross-examined Detective Schimmels about the surveillance video and Baker's police interview.

¶16 There is no allegation that trial counsel himself failed to review the discovery, understand its significance, or inform Gransberry of its contents, nor is there any indication that Gransberry requested to review any evidence with counsel, including the surveillance footage or Baker's police interview. The standard for evaluating counsel's effectiveness is not whether particular items of evidence are directly shown to the defendant, but whether counsel adequately conveys the substance and strategic significance of the State's evidence, and there is no allegation in Gransberry's postconviction motion that trial counsel failed to convey the strength and significance of the State's evidence. This conclusion is consistent

with ***Strickland***, which emphasizes counsel’s obligation to consult with and advise a defendant on important decisions and developments, and to generally act reasonably within the scope of that representation consistent with the prevailing norms of practice. ***Strickland***, 466 U.S. 668 at 688. Here, the prevailing norms of practice as established by the rules of professional responsibility require counsel to explain a matter to the extent reasonably necessary to permit the client to make informed decisions. *See* SCR 20:1.4.

¶17 Gransberry emphasizes his vulnerability due to his youth, limited education, mental health issues, and cognitive limitations, arguing that these factors should have heightened counsel’s obligation to ensure Gransberry personally viewed the audiovisual evidence and, in particular, Baker’s police interview. However, Gransberry’s assertion that defense counsel must ensure a defendant reviews particular pieces of evidence absent any request to do so lacks legal authority.⁴ It would be especially burdensome to require defense counsel to force a client to personally view particular pieces of evidence when the defendant was already aware of the existence and content of that evidence yet made no request to view it. Any other holding would require that counsel correctly determine whether reviewing a particular piece or pieces of evidence may or may not affect a defendant’s decision-making process or, in the absence of counsel making such a determination, force a client to specifically review *all* evidence, piece by piece, so that defense counsel can identify the possible significance of every piece.

⁴ Moreover, Gransberry suggests no framework by which defense counsel can determine when the client is too young, too uneducated, or too cognitively impaired such that defense counsel has a heightened duty to ensure the client personally views particular pieces of evidence. Given the lack of guiding principles, we view Gransberry’s suggested rule as unworkable in practice.

¶18 Here, Gransberry was aware of the existence and content of both the surveillance footage and Baker’s police interview based on his review with counsel of the criminal complaint and Detective Schimmel’s testimony at the preliminary hearing. On this record, Gransberry has not alleged sufficient facts that would, if true, establish deficient performance; therefore, he could not make a showing of ineffective assistance. *Strickland*, 466 U.S. at 697. Accordingly, the circuit court was not required to hold a *Machner* hearing on Gransberry’s claim for postconviction relief. *Jackson*, 405 Wis. 2d 458, ¶8.

CONCLUSION

¶19 We conclude that Gransberry did not plead sufficient facts to establish that trial counsel performed deficiently. Accordingly, we affirm the judgment and the order denying Gransberry’s ineffective assistance of counsel claim without a *Machner* hearing.

By the Court.—Judgment and order affirmed.

Recommended for publication in the official reports.

