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**DISTRICT II**

July 16, 2025

To:

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Circuit Court Judge  
Electronic Notice

John W. Kellis  
Electronic Notice

Amy Vanderhoef  
Clerk of Circuit Court  
Racine County Courthouse  
Electronic Notice

Timothy A. Provis  
Electronic Notice

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

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2023AP2232	State of Wisconsin v. Maurice L. Bizzle (L.C. #2008CF537)
2023AP2233	State of Wisconsin v. Maurice L. Bizzle (L.C. #2008CF501)

Before Gundrum, P.J., Grogan, and Lazar, 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).**

Maurice L. Bizzle appeals from orders denying WIS. STAT. § 974.06 (2023-24)<sup>1</sup> motions requesting a new trial based on newly discovered evidence—that a witness who testified at Bizzle’s trial confessed to committing the crime.<sup>2</sup> Based upon our review of the briefs and Records, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. We summarily affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

<sup>2</sup> We granted Bizzle’s motion to consolidate these appeals in a July 12, 2024 order.

In 2010, a jury convicted Bizzle of five crimes arising from two armed robberies. The circuit court denied his postconviction motion, and we affirmed. *State v. Bizzle*, Nos. 2011AP1108-CR and 2011AP1109-CR, unpublished slip op. (WI App Mar. 28, 2012). In 2023, Bizzle filed WIS. STAT. § 974.06 motions seeking a new trial on the basis of newly discovered evidence. He attached an affidavit from Joshua Morris, who had testified against Bizzle during the trial. In the affidavit, Morris claimed that while incarcerated, he became a Christian and, as a result, needed to confess that he had committed one of the robberies that he had falsely testified Bizzle had committed. After holding evidentiary hearings, the court ruled that Morris’s false accusation/confession was not newly discovered evidence because at Bizzle’s trial, defense witnesses testified that Morris’s accusation against Bizzle was false.<sup>3</sup> It also noted the jury heard evidence that Morris was involved in this robbery and was falsely accusing Bizzle to obtain a lighter sentence on an unrelated robbery conviction. The court also found that Morris’s confession would have been cumulative to other evidence. Thus, the court determined that Bizzle failed to prove Morris’s testimony constituted a new factor. It also ruled there was no reasonable probability the jury would have acquitted Bizzle even if it had heard Morris’s confession.<sup>4</sup> The court denied Bizzle’s postconviction motions. Bizzle appeals.

On appeal, Bizzle claims the circuit court erroneously exercised its discretion in denying his postconviction motions. He asserts that Morris’s confession is newly discovered evidence

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<sup>3</sup> The circuit court’s orders indicate the evidentiary hearings occurred over two days—September 8 and 20, 2023. The relevant transcripts, however, indicate that the hearings occurred on September 8, 2023, and *October* 20, 2023. The discrepancy between the September 20, 2023, and October 20, 2023 dates appears to be a clerical error that does not affect our decision.

<sup>4</sup> The circuit court also observed that the statute of limitations had run on the armed robbery, and therefore by confessing to that crime now, “Morris would have absolutely nothing to lose by testifying at a new trial.”

and therefore is a sufficient reason justifying filing his second postconviction motions. He also claims his due process rights were violated because the jury did not have the opportunity to hear Morris's confession.

The State responds that Bizzle failed to prove any of the factors under the newly discovered evidence test. *See State v. Brunton*, 203 Wis. 2d 195, 200, 208, 552 N.W.2d 452 (Ct. App. 1996) (listing factors that defendant must prove "by clear and convincing evidence"). The State's brief continues to explain that the circuit court: (1) found the jury heard evidence from defense witnesses that Morris was falsely accusing Bizzle—i.e., the information Bizzle proffers now *was already known* at the time of trial; (2) found the evidence proffered was cumulative; and (3) concluded that the evidence had no reasonable probability of changing the jury's verdict. The State's Response brief also points out that Bizzle's brief does not address the court's reasons for denying his motions and fails to make any developed argument as to how the court erroneously exercised its discretion. Finally, the State asserts Bizzle's due process argument "**is undeveloped and meritless.**"

"We review a circuit court's determination as to whether a defendant has established his or her right to a new trial based on newly discovered evidence for an erroneous exercise of discretion." *State v. Edmunds*, 2008 WI App 33, ¶8, 308 Wis. 2d 374, 746 N.W.2d 590. It is the appellant's burden to prove that the circuit court erred. *See Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381 (appellant bears the burden of showing that the circuit court erred). Here, Bizzle has failed to prove the court erred.

First, Bizzle's argument is not well-developed because he fails to explain *why* the circuit court was wrong. He argues only that Morris did not actually *confess* until now, that he did not

know of Morris's adoption of Christianity until now, Morris's confession is relevant to Bizzle's innocence, and the confession is unique evidence. Bizzle does not explain, however, how Morris's current confession, particularly when measured against all the evidence the jury did hear, would create a reasonable probability that a jury would have a reasonable doubt as to Bizzle's guilt. It is not our responsibility to develop arguments for a party, and we are not required to address arguments that are undeveloped or not supported by citations to the Record. *See Doe 1 v. Madison Metro. Sch. Dist.*, 2022 WI 65, ¶35, 403 Wis. 2d 369, 976 N.W.2d 584 (appellate courts “do not step out of our neutral role to develop or construct arguments for parties” (citation omitted)).

Second, Bizzle failed to file a Reply brief, which leads us to conclude that he does not refute any of the State's arguments in its Response brief. *See Apple Hill Farms Dev., LLP v. Price*, 2012 WI App 69, ¶14, 342 Wis. 2d 162, 816 N.W.2d 914 (failure to file a Reply brief is deemed a concession to Respondent's argument). Accordingly, because Bizzle failed to develop his arguments and concedes the State's arguments, we cannot conclude the circuit court erred and must affirm the orders denying his motions.

Therefore,

IT IS ORDERED that the orders of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*