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**DISTRICT II**

June 18, 2025

To:

Hon. Anthony C. Nehls  
Circuit Court Judge  
Electronic Notice

John Blimling  
Electronic Notice

Michelle Weber  
Clerk of Circuit Court  
Fond du Lac County Courthouse  
Electronic Notice

Julius Antwan Freeman, Jr. #671995  
Wisconsin Secure Program Facility  
P.O. Box 1000  
Boscobel, WI 53805-1000

Michael C. Griesbach  
Electronic Notice

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

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2024AP1219-CRNM      State of Wisconsin v. Julius Antwan Freeman, Jr.  
(L.C. #2022CF458)

Before Gundrum, P.J., Neubauer, 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).**

Julius Antwan Freeman, Jr., appeals from a judgment convicting him, following a jury trial, of first-degree intentional homicide and armed robbery, both as party to a crime. Attorney Michael C. Griesbach has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24)<sup>1</sup>; *Anders v. California*, 386 U.S. 738, 744 (1967); and *State ex rel. McCoy v. Wisconsin Ct. of Appeals*, 137 Wis. 2d 90, 403 N.W.2d 449 (1987), *aff'd*, 486

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

U.S. 429 (1988). The no-merit report addresses the sufficiency of the evidence to convict Freeman, whether trial counsel performed ineffectively, and whether the circuit court erroneously exercised its discretion in making evidentiary rulings and in sentencing. Freeman was sent a copy of the report and notified by this court and counsel of his right to file a response. Freeman has not responded. Upon reviewing the entire Record, as well as the no-merit report, we conclude that there are no arguably meritorious appellate issues. We summarily affirm.

Following a seven-day jury trial, Freeman was convicted of first-degree intentional homicide and armed robbery with use of force for his involvement in a shooting during a home invasion that resulted in the death of Benzel Rose. Both convictions carried penalty enhancers based on Freeman's status as a repeat criminal offender, and both convictions were based on Freeman's role as party to the crime. The circuit court imposed a sentence of life imprisonment with the possibility of extended supervision after 35 years for first-degree intentional homicide, and 25 years of initial confinement and 15 years of extended supervision for the armed robbery, concurrent to his sentence for the homicide. This no-merit appeal follows.

The no-merit report first addresses whether the evidence at Freeman's jury trial was sufficient to support his conviction. When reviewing the sufficiency of the evidence, we may not substitute our judgment for that of the jury "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 (1990).

Our review of the trial transcripts persuades us that the State produced ample evidence to convict Freeman of first-degree intentional homicide and of armed robbery by use of force, both

as party to a crime. Several witnesses testified regarding Freeman's behavior on the night these crimes were committed, including that he had a gun with him that night, and that Freeman arrived home shortly after the time of Rose's death with blood on his jeans that he attempted to bleach out. The blood on Freeman's jeans was a match to Rose's DNA. Witnesses also discussed the varying versions of events that Freeman told to witnesses over time, including having provided multiple different stories to law enforcement during their investigation into the events surrounding Rose's death. The evidence also included detailed testimony from law enforcement, forensic analysts, and a medical expert regarding evidence from the crime scene, the death caused by the shooting, and the investigation into the events of that night. Freeman's defense at trial was that the homicide was not a natural and probable consequence of Freeman and his co-defendant going to Rose's house to rob him. But as the circuit court remarked at the sentencing hearing: "[W]hen you go to an armed robbery armed and your primary goal is to take money and a gun from somebody else, a natural and probable consequence of that action is somebody is going to die." The evidence presented at trial was more than sufficient for a reasonable jury to have found him guilty on both charged counts. We agree with counsel that a challenge to the sufficiency of the evidence would lack arguable merit.

The no-merit report next addresses whether there would be arguable merit to a claim that trial counsel was ineffective in its representation of Freeman. A claim of ineffective assistance of counsel has two parts: the first part requires the defendant to show that counsel's performance was deficient; the second part requires the defendant to prove that the defense was prejudiced by deficient performance. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). The deficient performance inquiry is "whether counsel's assistance was reasonable considering all the circumstances." *Id.* at 688. Every effort is made to avoid the effects of hindsight and the burden

is placed on the defendant to overcome a strong presumption that counsel acted reasonably within a wide range of reasonable assistance and that some challenged conduct “might be considered sound trial strategy.” *Id.* at 689 (quoted source omitted). The prejudice test is whether “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Id.* at 694. The prejudice determination considers “the totality of the evidence before the judge or jury.” *Id.* at 695. Based on our review of the no-merit report and the Record, we agree with appellate counsel that any claims of ineffective assistance of trial counsel lack arguable merit.

Counsel next addresses in the no-merit report whether there would be arguable merit to an argument that the circuit court erroneously exercised its discretion in its evidentiary rulings before and during the trial. Courts are vested with wide discretion when making decisions concerning the admission and exclusion of evidence at trial. *National Auto Truckstops, Inc. v. DOT*, 2003 WI 95, ¶12, 263 Wis. 2d 649, 665 N.W.2d 198. A court properly exercises its discretion when it considers the relevant facts, applies the correct law, and articulates a reasonable basis for its decision. *Krebs v. Krebs*, 148 Wis. 2d 51, 55, 435 N.W.2d 240 (1989). We agree with counsel’s thorough analysis of the issue and with his conclusion that there would be no merit to an argument on this issue.

Finally, the no-merit report addresses whether the circuit court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well-established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. Freeman’s trial counsel made several

verbal corrections to the presentence investigation report, and Freeman was provided an opportunity to address the court, though he chose not to do so. The Record shows no other grounds from which we could conclude that the court erroneously exercised its sentencing discretion. There is no arguable merit to this issue.

Further, the sentence is not excessive or too harsh. Freeman faced a maximum of life imprisonment without the opportunity for release to extended supervision on the homicide conviction and a maximum sentence of 40 years of imprisonment on the armed robbery by use of force conviction. The circuit court allowed Freeman the possibility for extended supervision after 35 years, which is less than the maximum penalty. The court noted its beliefs that the maximum penalty should be given to the shooter, were he convicted, and that, because Freeman was not the shooter, Freeman should not be given the maximum penalty of life imprisonment without the possibility of extended supervision. Under the circumstances, it cannot reasonably be argued that Freeman's sentence is excessive, much less so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). There is no arguable merit to this issue.

Finally, our independent review of the Record—including search warrants, voir dire and jury selection, jury instructions, stipulations entered into by the parties, the colloquy surrounding Freeman's decision to exercise his right to testify, opening statements, and closing arguments—does not disclose any potentially meritorious issue for appeal. *See State v. Allen*, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal,

we accept the no-merit report and relieve Attorney Michael C. Griesbach of further representation in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Michael C. Griesbach is relieved from further representing Julius Antwan Freeman, Jr. in this appeal. *See* WIS. STAT. RULE 809.32(3).

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*