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**DISTRICT I**

July 22, 2025

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

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2023AP1514-CRNM      State of Wisconsin v. Michael Kalif Harris (L.C. # 2019CF2044)

Before White, C.J., Geenen, and Colón, 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).**

Michael Kalif Harris appeals his judgment of conviction for first-degree intentional homicide and arson. His appellate counsel, Michael E. Covey, has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).<sup>1</sup> Harris received a copy of the report and filed a response, and counsel filed a supplemental report. Upon this court's independent review of the record as mandated by *Anders*, counsel's reports,

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

and Harris's response, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm.

At approximately 8:30 a.m. on May 8, 2019, firefighters responded to a fire in the lower unit of an apartment complex on North Swan Road in Milwaukee. They discovered a human body that was on fire, lying on the floor in a hallway. Firefighters determined that the person was deceased after observing that there was head trauma and a "gaping vertical wound" to the abdomen.

The owner of the property said that Harris lived in the lower unit with his brother, L.C.H. The upper unit was occupied by an elderly disabled man, R.J.F. L.C.H. arrived at the scene and identified the victim as R.J.F.

L.C.H. told police that he had received a call from Harris shortly after 8:00 a.m. that morning. L.C.H. said that Harris told him, "I'm here with [R.J.F.]. He wants to talk to you." L.C.H. said he could hear R.J.F. "mumbling and trying to talk," but he could not make out any words. Harris then came back on the line and said "[y]ou won," and abruptly ended the call.

Officers also recovered surveillance video from a gas station located next to the apartment building. The video depicts a man matching Harris's description pumping gas into a red pail at approximately 8:20 a.m., and then walking back toward the apartment building. Shortly thereafter, smoke could be seen wafting into view. The odor of an accelerant was detected in the hallway where R.J.F.'s body was found.

Harris was located later that morning at his father's residence on North 37th Street and arrested. Officers stated he appeared to be in a state of mental distress.

Harris had a history of mental health issues, and had previously been diagnosed with Bipolar I disorder. This disorder caused him to have “episodic periods of mania with psychosis” during which he had displayed “elevated mood, aggressive behavior, threatening behavior, periods of confusion, thought disorganization, and paranoid and religious delusions.” Counsel for Harris questioned his competency to stand trial, but after several examinations and hearings, the trial court found that Harris was competent. Additionally, counsel explored the option of entering a plea of not guilty by reason of mental disease or defect (NGI); however, Harris rejected this option, and maintained his innocence.

Witnesses for the State included the deputy chief medical examiner, who testified that R.J.F. had died from “multiple blunt and sharp force injuries.” The front of R.J.F.’s skull was fractured and “cave[d] in,” and the sharp force injury to his abdomen “actually exposed his intestines.” R.J.F. had numerous other injuries to his face and body, including defensive wounds on his hands. The medical examiner further testified that no soot was found in R.J.F.’s lungs, indicating that he was already deceased when the fire started. R.J.F.’s death was determined to be a homicide.

L.C.H. also testified. He discussed Harris’s mental health issues which included “[a] lot of talk of violence,” noting that he had wanted to “get [Harris] some mental health treatment.” L.C.H. further testified that, prior to receiving the call from Harris where he heard R.J.F. on the phone, L.C.H. had received more than 40 calls from Harris that morning, in which Harris was “very belligerent, very demanding, using a lot of profanity.” Additionally, L.C.H. stated that he had “no doubt” that it was R.J.F.’s voice on the phone. L.C.H. also identified the red pail seen in the gas station surveillance video as one they kept under the bathroom sink.

The officers who arrested Harris also testified. One officer stated that Harris was “very agitated” and “talking sort of nonsensical about ... Freemasons and conspiracy theories.” She said he was pacing and appeared “very manic.” She also testified that Harris’s jeans had bleach on them, and that he was “fidgeting” with a Bic lighter. Another officer testified that a jacket, hooded sweatshirt, and backpack they found when they searched the house where Harris was arrested looked the same as those worn by the suspect in the gas station video.

That officer also testified about recovering Harris’s wallet. The wallet contained an American Express card with Harris’s name, with the last four numbers matching a receipt from the gas station that was associated with the red pail that was filled just prior to the fire.

Harris testified in his own defense. He maintained his innocence, even when asked to explain the evidence against him that had been presented by the State.

The jury found Harris guilty of both charges. For the homicide charge, he was sentenced to life imprisonment, eligible for release to extended supervision after 30 years. For the arson charge, a consecutive sentence of 15 years of initial confinement followed by 10 years of extended supervision was imposed. Harris also stipulated to restitution in the amount of \$27,135.99. This no-merit appeal follows.

The no-merit report discusses the pretrial competency hearings, as well as the possibility of an NGI plea, and found no issues of arguable merit. The jury selection process was also discussed, and again no issues of arguable merit were identified. We agree that there are no issues of arguable merit with regard to the pretrial proceedings.

The report also addresses the sufficiency of the evidence at trial. It describes in detail the extensive evidence against Harris, and states the applicable standard of review—that a conviction will only be reversed if the evidence against a defendant, “viewed most favorably to the [S]tate and the conviction, is so insufficient in probative value and force that it can be said as a matter of law that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). The report concludes that this standard was “easily met.” We agree with appellate counsel’s assessment that there are no issues of arguable merit relating to the trial.

Additionally, the no-merit report discusses the trial court’s exercise of its discretion during sentencing. The record reflects that the court considered relevant sentencing objectives and factors. *See State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The court acknowledged Harris’s mental illness, along with L.C.H.’s statement that Harris “refuses to recognize that he has a problem” and “refuses to reach out for help.” However, the court stated that his illness “does not relieve [Harris] from responsibility” for committing the offenses, noting Harris’s “consciousness of guilt” in attempting to cover up the homicide with arson. The court further observed the “extreme brutality” of the homicide, noting that R.J.F. had “clearly suffered pain.” The court also discussed protection of the community, not only from further “extreme and brutal” attacks by Harris, but also in terms of the arson, particularly relating to the first responders who entered the burning building to recover R.J.F.’s body.

Additionally, the sentences imposed—including the mandatory life sentence for the homicide—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’s conclusion that there would be no arguable merit to a challenge of Harris’s sentences.

In his response to the no-merit report, Harris makes numerous arguments and evidentiary claims, most of which are speculative or underdeveloped. For example, he argues ineffective assistance of his trial counsel for failing to adequately investigate the case and present a defense, and submitted numerous documents which he asserts could have been used to impeach L.C.H.’s credibility. In the supplemental no-merit report, appellate counsel observes that these documents likely would have been inadmissible as irrelevant, calling Harris’s assertions a “wild conspiracy theory, not a viable defense.”

Harris also contends that his trial counsel was ineffective for “purposely deceiv[ing] and misinform[ing]” him regarding the NGI plea. This claim is not supported by the record. Rather, the record reflects that an NGI plea was discussed at length with Harris by his counsel as well as by the trial court on the record, and he firmly rejected it. We therefore agree with appellate counsel’s assessment that Harris’s response raises no issues of arguable merit.

Our independent review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Harris 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 Michael E. Covey is relieved of further representation of Michael Kalif Harris in this matter. *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*