

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Broderick A. Moore v. United States of America

No. 19-cv-973-pp (E.D. Wis. Apr. 24, 2026) · No. 19-cv-973-pp · Decided April 24, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied Broderick A. Moore’s motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The court rejected his ineffective-assistance-of-counsel claims concerning witness investigation, surveillance video, identification procedures, alleged prior-bad-act evidence, and the sufficiency of the evidence. The court declined to issue a certificate of appealability and dismissed the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	April 24, 2026
DOCKET	19-cv-973-pp
DISPOSITION	dismissed
PROCEDURAL POSTURE	Motion to vacate, set aside or correct sentence under 28 U.S.C. §2255.
STANDARD OF REVIEW	Strickland v. Washington, 466 U.S. 668 (1984) (deficient performance and prejudice).
PRECEDENTIAL VALUE	unpublished
PARTIES	Broderick A. Moore v. United States of America

TOPICS

- ineffective assistance
- post-conviction relief
- federal habeas corpus
- right to counsel
- criminal procedure
- evidence
- suppression of evidence
- due process
- sentencing

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to move to suppress the victim's in-court identification as tainted by an impermissible photo array.
2. Whether trial counsel was ineffective for failing to preserve or obtain surveillance video from a nearby building.
3. Whether trial counsel was ineffective for failing to investigate and call certain witnesses.
4. Whether trial counsel was ineffective for failing to object to other acts evidence under Rule 404(b).
5. Whether trial counsel was ineffective for failing to effectively challenge the sufficiency of the evidence, particularly the timeline of events.

HOLDINGS

1. Counsel was not ineffective because the photo array was not tainted, the victim had an independent basis for identification, and any motion to suppress would have been meritless.
2. Counsel was not ineffective because the video no longer existed by the time counsel was appointed, and there was no evidence the video would have captured the crime or been exculpatory.
3. Counsel was not ineffective because the petitioner failed to show what the uncalled witnesses would have said, and for those he did identify, their testimony would have been harmful, cumulative, or inadmissible.
4. Counsel was not ineffective because the witness did not testify about any prior crimes or bad acts of the petitioner; thus, there was no basis to object.
5. Counsel was not ineffective because the evidence was sufficient to convict, counsel conducted a vigorous cross-examination, and the petitioner's timeline argument was speculative and unsupported.

KEY QUOTATIONS

"To prevail on an ineffective assistance of counsel claim, the petitioner must show that (1) his counsel's performance was deficient and (2) that he was prejudiced by deficiencies in his counsel's performance. Strickland v. Washington, 455 U.S. 668, 687 (1984)." (slip op. at 12)

"Surmounting Strickland's high bar is never an easy task and the Strickland standard must be applied with scrupulous care. Harrington v. Richter, 562 U.S. 86, 105 (2011)." (slip op. at 12)

"A hearing is unnecessary when the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief. 28 U.S.C. §2255(b)." (slip op. at 13)

"If defense counsel had filed a motion to suppress the in-court identification (or made an oral motion to do so), the court would have denied it as being without merit." (slip op. at 16)

"The evidence was more than sufficient to support the conviction, and would have been even if defense counsel had tried question how the three could have gone to the various locations in the time the petitioner calculates." (slip op. at 28)

FACTUAL BACKGROUND

On July 16, 2015, the petitioner approached a woman in her car, asked for money, then jumped into the car and threatened to shoot her if she did not give him the keys. He took the car at gunpoint. The victim identified the petitioner in a photo array and later in court. The petitioner's co-defendant, Sean Harvey, testified that the petitioner committed the carjacking. Cell phone data corroborated Harvey's account. The petitioner presented an alibi defense through two witnesses, but the jury convicted him.

PROCEDURAL HISTORY

Petitioner was convicted by a jury of motor vehicle robbery and brandishing a firearm during a crime of violence. He was sentenced to 192 months' imprisonment. After an appeal and amendment of the judgment, he filed a pro se motion for a new trial, which was denied. He then filed this §2255 motion alleging ineffective assistance of counsel. The court ordered briefing and now denies the motion.

DISPOSITION

dismissed

CASES CITED

- Strickland v. Washington, 466 U.S. 668 (1984)
- Harrington v. Richter, 562 U.S. 86 (2011)
- United States v. Coleman, 763 F.3d 706 (7th Cir. 2014)
- Blake v. United States, 723 F.3d 870 (7th Cir. 2013)
- Delatorre v. United States, 847 F.3d 845 (7th Cir. 2017)
- Gaylord v. United States, 829 F.3d 500 (7th Cir. 2016)
- Boulb v. United States, 818 F.3d 334 (7th Cir. 2016)
- Bruce v. United States, 256 F.3d 592 (7th Cir. 2001)
- Long v. United States, 847 F.3d 916 (7th Cir. 2017)
- United States v. Sanders, 708 F.3d 976 (7th Cir. 2013)
- United States v. Rogers, 387 F.3d 925 (7th Cir. 2004)
- Washington v. Smith, 219 F.3d 620 (7th Cir. 2000)
- Hardamon v. United States, 319 F.3d 943 (7th Cir. 2003)
- United States ex rel. Simmons v. Gramley, 915 F.2d 1128 (7th Cir. 1990)
- Kratz v. United States, 79 F. App'x 932 (7th Cir. 2003)
- United States v. Curtis, 324 F.3d 501 (7th Cir. 2003)
- Slack v. McDaniel, 529 U.S. 473 (2000)
- Brady v. Maryland, 373 U.S. 83 (1963)