

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 29, 2001

Cornelia G. Clark
Clerk, Court of Appeals
of Wisconsin

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.

Nos. 00-2651
00-2652

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT IV

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

ANTON VUKOVIC,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Wood County:
FREDERIC FLEISHAUER, Judge. *Affirmed.*

Before Dykman, P.J., Roggensack and Lundsten, JJ.

¶1 PER CURIAM. Anton Vukovic, *pro se*, appeals from the circuit court's order denying his motion for postconviction relief brought pursuant to

WIS. STAT. § 974.06 (1999-2000).¹ The dispositive issue is whether Vukovic's claims are barred by *State v. Escalona-Naranjo*, 185 Wis.2d 168, 185, 517 N.W.2d 157 (1994). We conclude that they are and affirm.

¶2 Vukovic was convicted of six felonies on October 28, 1997, stemming from an accident that occurred when he was intoxicated. One of the victims was killed, and one was seriously injured. On direct appeal, Vukovic's counsel filed a no merit report. Vukovic filed a response.² After reviewing the no merit report and Vukovic's response, and after conducting an independent review of the record, we affirmed the judgment of conviction, concluding that there would be no arguable merit to any potential appellate issues. *Anders v. California*, 386 U.S. 738 (1967).

¶3 A year later Vukovic filed a postconviction motion in the circuit court pursuant to WIS. STAT. § 974.06. He argued that he received ineffective assistance of counsel, he was denied the right to testify in his own defense, his right to be protected from double jeopardy was violated, he was denied the help of an interpreter, he was convicted of a crime he did not know he committed, a rescuer's actions may have contributed to the victim's death, and the prosecutor failed to personally deliver a copy of the information to him. He also asked the circuit court to modify his sentence. The circuit court denied the motion.

¹ All references to the Wisconsin Statutes are to the 1999-2000 version unless otherwise noted.

² Vukovic was informed that, if the no merit procedure resulted in an affirmance, further postconviction proceedings would likely be barred under *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994) (49:26).

¶4 During Vukovic’s direct appeal, we specifically addressed Vukovic’s arguments that he received ineffective assistance of trial counsel and that he was improperly denied the assistance of an interpreter. Having already addressed these claims, we will not consider them again. *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991) (“A matter once litigated may not be relitigated in a subsequent postconviction proceeding no matter how artfully the defendant may rephrase the issue.”).

¶5 As for Vukovic’s other claims, he has not demonstrated any sufficient reason for not having raised these claims in his response to the no merit report during his direct appeal. All grounds for relief must be raised on direct appeal unless the court ascertains that sufficient reasons exist for not having done so. *Escalona-Naranjo*, 185 Wis. 2d at 185. Vukovic offered no such reason to the circuit court, nor does he offer a reason to this court. Therefore, he is barred from raising these claims now.

By the Court.—Order affirmed.

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)5.

