

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 8, 2011

A. John Voelker
Acting Clerk of Court of Appeals

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.

Appeal No. 2009AP2895

STATE OF WISCONSIN

Cir. Ct. No. 1991CF912153

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

CHRIS LAMAR CRITTENDON,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
PATRICIA D. McMAHON, Judge. *Affirmed.*

Before Fine, Kessler, and Brennan, JJ.

¶1 PER CURIAM. Chris Lamar Crittendon, *pro se*, appeals the circuit court's order denying his motion for postcommitment relief under WIS. STAT.

§ 974.06 (2007-08).¹ He challenges the circuit court’s exercise of sentencing discretion and contends that he should be granted an evidentiary hearing on his claim of ineffective assistance of counsel. We affirm.

¶2 Crittendon was convicted of first-degree intentional homicide, as a party to a crime, on January 31, 1992. He was sentenced to life imprisonment, consecutive to the sentence he was already serving, with parole eligibility after forty-five years. On August 19, 2009, Crittendon filed a postcommitment motion—one in a long series of motions that he has filed since his commitment—which was denied on September 24, 2009. Crittendon moved for reconsideration. The circuit court denied the motion for reconsideration. This appeal follows.

¶3 “[A]ny claim that could have been raised on direct appeal or in a previous Wis. Stat. § 974.06 ... postconviction motion is barred from being raised in a subsequent § 974.06 postconviction motion, absent a sufficient reason.” *State v. Lo*, 2003 WI 107, ¶2, 264 Wis. 2d 1, 665 N.W.2d 756 (footnote omitted); *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994). “[D]ue process for a convicted defendant permits him or her a single appeal of that conviction and a single opportunity to raise claims of error.” *State ex rel. Macemon v. Christie*, 216 Wis. 2d 337, 343, 576 N.W.2d 84 (Ct. App. 1998). “Successive, and often reformulated, claims clog the court system and waste judicial resources.” *Id.*

¶4 Since his commitment, Crittendon has had a direct appeal, and has filed multiple postcommitment motions under WIS. STAT. § 974.06, all of which have been denied. Crittendon contends that he did not previously raise the current

¹ All references to the Wisconsin Statutes are to the 2007-08 version unless otherwise noted.

claims because he did not know he had to raise them. This reason is not sufficient to excuse not raising these issues for nearly eighteen years. As so succinctly stated by our supreme court in *Escalona-Naranjo*, “[w]e need finality in our litigation.” *Id.*, 185 Wis. 2d at 185. We conclude that Crittendon is subject to the procedural bar of *Escalona-Naranjo* and its progeny.

By the Court.—Order affirmed.

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

