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**DISTRICT I**

February 4, 2025

To:

Hon. Mark A. Sanders  
Circuit Court Judge  
Electronic Notice

Christine A. Remington  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Roy James Jones 205572  
Stanley Correctional Inst.  
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Stanley, WI 54768

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

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2023AP1915

State of Wisconsin v. Roy James Jones (L.C. # 1995CF955367)

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).**

Roy James Jones, *pro se*, appeals a circuit court order denying his motion for relief from a 1997 judgment of conviction. He contends that various alleged constitutional violations and jurisdictional defects render the judgment void and entitle him to immediate release from custody. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).<sup>1</sup> We reject Jones's arguments and summarily affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

A jury found Jones guilty of first-degree sexual assault of a child; two counts of first-degree sexual assault of a child while armed; two counts of kidnapping while armed; and one count each of first-degree sexual assault and attempted first-degree sexual assault. The circuit court found that he committed the crimes as a habitual offender and imposed an aggregate 143-year sentence. Jones, represented by counsel, filed an unsuccessful postconviction motion and then pursued a direct appeal of the adverse order and the judgment of conviction. We affirmed. *State v. Jones*, No. 1998AP685-CR, unpublished slip op. (WI App June 29, 1999). The circuit court record reflects that Jones, proceeding *pro se*, subsequently filed fourteen motions for postconviction relief.<sup>2</sup> Our own records show that he sought relief from this court an additional eight times.<sup>3</sup>

On September 11, 2023, Jones filed his fifteenth motion seeking postconviction relief on his own behalf. The circuit court denied his claims, and he appeals.

Jones asserted in his most recent postconviction motion that he was entitled to relief under WIS. STAT. § 806.07(1)(c) and § 806.07(1)(h), which allow the circuit court to grant relief from a judgment under certain circumstances. The circuit court concluded that § 806.07(1) was not an available avenue for Jones to pursue postconviction relief. The circuit court was correct.

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<sup>2</sup> Our tally of the motions for postconviction relief that Jones filed on his own behalf does not include a variety of postconviction motions seeking procedural orders for such matters as disclosure of the victims' medical records, appointment of counsel, and corrections to the record.

<sup>3</sup> See *State v. Jones*, No. 2004AP1836, unpublished slip op. (WI App Dec. 20, 2005); *State v. Jones*, No. 2007AP2097-CR, unpublished slip op. (WI App Sept. 23, 2008); *State ex rel. Jones v. Pollard*, No. 2008AP2589-W, unpublished op. and order (WI App Dec. 30, 2008); *State v. Jones*, No. 2010AP779-CR, unpublished slip op. (WI App Jan. 11, 2011); *State v. Jones*, No. 2011AP2572, unpublished slip op. (WI App Nov. 6, 2012); *State v. Jones*, No. 2013AP1794-CR, unpublished op. and order (WI App July 29, 2014); *State v. Jones*, No. 2017AP2337-CR, unpublished op. and order (WI App Mar. 5, 2019); *State v. Jones*, No. 2021AP1358, unpublished op. and order (WI App May 24, 2022).

That statute governs civil actions. *State ex rel. Lewandowski v. Callaway*, 118 Wis. 2d 165, 172, 346 N.W.2d 457 (1984). Jones has not offered any authority holding that § 806.07(1) applies to defendants seeking relief from judgments of criminal conviction. To the contrary, our supreme court has rejected the proposition that § 806.07(1) is available as a mechanism for challenging a criminal conviction.<sup>4</sup> *State v. Henley*, 2010 WI 97, ¶70 & n.27, 328 Wis. 2d 544, 787 N.W.2d 350.

In cases such as this one, where a convicted person has pursued and exhausted direct appeal rights under WIS. STAT. § 974.02 and WIS. STAT. RULE 809.30, the mechanism for seeking postconviction relief is WIS. STAT. § 974.06. *Henley*, 328 Wis. 2d 544, ¶¶49-50. Jones did not invoke the authority of § 974.06 in his most recent postconviction motion, but a court may look beyond the label that a prisoner applies to pleadings to determine if he or she is entitled to relief. See *bin-Rilla v. Israel*, 113 Wis. 2d 514, 521, 335 N.W.2d 384 (1983). Accordingly, the circuit court considered whether § 974.06 allowed Jones to litigate his current constitutional and jurisdictional claims.

Pursuant to WIS. STAT. § 974.06(4), a convicted prisoner who wishes to pursue a second or subsequent postconviction motion must present a sufficient reason for failing in prior proceedings to raise or adequately address his or her claims. *State v. Escalona-Naranjo*, 185

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<sup>4</sup> Jones asserts in this court that he is entitled to relief under WIS. STAT. § 806.07(1)(d). Jones did not rely on § 806.07(1)(d) in his circuit court motion. We generally do not consider issues raised for the first time on appeal. *Shadley v. Lloyds of London*, 2009 WI App 165, ¶25, 322 Wis. 2d 189, 776 N.W.2d 838. We follow that rule here. We add that Jones’s appellate briefs do not discuss his circuit court claim for relief under § 806.07(1)(c). We conclude that he abandoned that claim. See *A.O. Smith Corp. v. Allstate Ins. Cos.*, 222 Wis. 2d 475, 491, 588 N.W.2d 285 (Ct. App. 1998) (“[A]n issue raised in the [circuit] court but not raised on appeal, is deemed abandoned.”). Regardless, nothing in Jones’s postconviction motion or in his appellate briefs demonstrates that any provision of § 806.07(1) is applicable to postconviction litigation of the type before us.

Wis. 2d 168, 181-82, 517 N.W.2d 157 (1994). Absent such a reason, serial claims are barred. *Id.* Whether a convicted person presents a sufficient reason for serial litigation is a question of law that we consider *de novo*. *State v. Kletzien*, 2011 WI App 22, ¶16, 331 Wis. 2d 640, 794 N.W.2d 920. We resolve the question by examining the four corners of the postconviction motion. *State v. Allen*, 2004 WI 106, ¶¶9, 27, 274 Wis. 2d 568, 682 N.W.2d 433.

Our examination here reveals that Jones offered no reason in his September 11, 2023 postconviction motion for failing to raise his claims in prior litigation. Accordingly, the circuit court correctly concluded that his current claims are barred. *See Escalona-Naranjo*, 185 Wis. 2d at 186.

Therefore,

IT IS ORDERED that the circuit court's order is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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*