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March 25, 2015

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

2014AP901

State of Wisconsin v. Jeffrey Donald Leiser (L.C. #2003CF6154)

Before Curley, P.J., Brennan, J., and Thomas Cane, Reserve Judge.

Jeffrey Donald Leiser, *pro se*, appeals the circuit court's order denying his motion for postconviction relief under Wis. STAT. § 974.06 (2013-14).¹ The dispositive issue is whether Leiser's claims are procedurally barred under *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994). We conclude that they are barred. Therefore, we summarily affirm.

“[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

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

postconviction motion, absent a sufficient reason.” *State v. Lo*, 2003 WI 107, ¶2, 264 Wis. 2d 1, 665 N.W.2d 756 (footnote omitted); *Escalona-Naranjo*, 185 Wis. 2d at 185. “[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.*

Leiser was convicted of first-degree sexual assault on April 15, 2004. Since his conviction, Leiser has pursued a direct appeal, multiple collateral postconviction motions under WIS. STAT. § 974.06 and appeals from orders denying those motions, and petitions for writ of *mandamus*, all of which were denied. Leiser contends that he did not previously raise the current claims because they are based on newly discovered evidence. That assertion is inaccurate. Leiser’s prior appeal to this court addressed the very same documents from Washington County Social Services that Leiser refers to as newly discovered evidence.² Leiser also contends that the ineffective assistance he received from postconviction and appellate counsel on direct appeal is a sufficient reason for failing to previously raise his claims. We disagree. The alleged ineffective assistance of Leiser’s counsel on direct appeal is not a sufficient reason for Leiser to have failed to previously raise the current claims because Leiser has filed multiple motions and petitions

² Leiser argued in a prior appeal that the existence of a letter from Washington County Social Services dated July 15, 2004, showed that Washington County had conducted an investigation into the sexual assault of which he was convicted. The letter stated that Washington County Social Services had concluded after an investigation that Leiser had sexually abused the victim. In our decision dated May 13, 2014, we addressed Leiser’s argument that the Washington County Social Services reports pertaining to that investigation, if any, should be disclosed to him. We explained that “[a]ssuming the Washington County reports exist, ... we nonetheless conclude that the circuit court properly rejected Leiser’s claims for an *in camera* review of any such reports and for postconviction access to them. See *State v. Leiser*, No. 2013AP315, unpublished slip op. ¶9 (WI App Jan. 30, 2014).

since his direct appeal and could have raised his current arguments in those motions and petitions. As 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 Leiser’s claims are barred by *Escalona-Naranjo* and its progeny.

Upon the foregoing,

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

Diane M. Fremgen
Clerk of Court of Appeals