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May 28, 2015

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

2014AP170 State of Wisconsin v. Sherman B. Rones (L.C. #1998CF3584)
2014AP171 State of Wisconsin v. Sherman B. Rones (L.C. #1998CF3614, 1998CF4039)

Before Curley, P.J., Kessler and Brennan, JJ.

Sherman B. Rones, *pro se*, appeals an order of the circuit court denying his postconviction motion. Rones contends that: (1) the prosecutor engaged in misconduct when charging him; (2) the police engaged in misconduct while investigating his crimes; and (3) his plea colloquy was defective. Based upon our review of the briefs and the records, we conclude at conference that these cases are appropriate for summary disposition. Rones' claims are

procedurally barred by ***State v. Escalona-Naranjo***, 185 Wis. 2d 168, 517 N.W.2d 157 (1994). *See* WIS. STAT. RULE 809.21 (2013-14).[1] We affirm.

After pleading guilty, Rones was convicted in 1999 of three counts of first-degree sexual assault while using a dangerous weapon and seven counts of armed robbery, several of the counts while concealing his identity. Rones moved for postconviction relief, which was denied. He then appealed his conviction. We affirmed the judgment and order denying postconviction relief. Since his direct appeal, Rones has filed a petition for writ of *habeas corpus*, which was denied, and three postconviction motions that were denied, at least one of which was affirmed on appeal.

Escalona-Naranjo provides that a defendant must raise all grounds for relief in his or her first motion for postconviction relief. ***Id.***, 185 Wis. 2d at 181. If a defendant fails to raise an issue in the first postconviction motion, the defendant may not later raise it unless there is a sufficient reason for the failure to previously allege or adequately raise the issue. ***Id.*** at 181-82. The supreme court explained that "[WIS. STAT. §] 974.06(4) compels a prisoner to raise all grounds regarding postconviction relief in his or her original, supplemental or amended motion" and that "[s]uccessive motions and appeals, which all could have been brought at the same time, run counter to the design and purpose of the legislation." ***Escalona-Naranjo***, 185 Wis. 2d at 185. The court reasoned that the policy behind this statute is to provide "'finality in our litigation.'" ***Id.*** (citation omitted).

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

Rones has not provided an adequate reason for failing to previously raise his current arguments. Although captioned as claims based on "new evidence," Rones' claim about the prosecutor's conduct in charging him is grounded in Rones' view of trial court proceedings prior to his plea and his claim about the police officer's conduct refers to an alleged criminal act by the officer in 1999, well before Rones' last several postconviction motions and appeal. Similarly, Rones' claim that the plea colloquy was defective is not based on any new information. Because Rones' claims are not based on new information and he has not provided an adequate reason for failing to previously raise his arguments, his claims are procedurally barred by ***Escalona-Naranjo*** and its progeny.

Therefore,

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

Diane M. Fremgen
Clerk of Court of Appeals