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**DISTRICT I**

November 3, 2017

To:

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

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2016AP1849

State of Wisconsin v. Samar T. Powell (L.C. # 2014CF5004)

Before Kessler, Brash and Dugan, 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).**

Samar T. Powell, *pro se*, appeals an order denying his motion for sentence modification and motions for reconsideration. The issue is whether Powell's claim is procedurally barred

under WIS. STAT. § 974.06 (2015-16),<sup>1</sup> and *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 181-82, 517 N.W.2d 157 (1994). We affirm.

On May 18, 2015, Powell was convicted of possession of heroin with intent to deliver, use of a dangerous weapon, possession of a firearm-adjudicated delinquent, and fleeing an officer, causing damage to property. On December 9, 2015, Powell filed a *pro se* motion for sentence modification. The circuit court denied the motion on February 16, 2016. Powell did not appeal. On July 21, 2016, Powell filed a second *pro se* motion for postconviction relief and a motion for reconsideration of the circuit court's order of February 16, 2016. On July 25, 2016, the circuit court denied the motion for postconviction relief on the ground that Powell's arguments were conclusory, insufficient to warrant relief, and procedurally barred by *Escalona-Naranjo*. The circuit court also denied the motion for reconsideration. On August 16, 2016, Powell filed a second *pro se* motion for reconsideration, which the circuit court denied.

A defendant who has filed a previous postconviction and/or appellate challenge to his conviction “is barred from making a claim that could have been raised previously unless he shows a sufficient reason for not making the claim earlier.” *State v. Romero-Georgana*, 2014 WI 83, ¶35, 360 Wis. 2d 522, 849 N.W.2d 668; *Escalona-Naranjo*, 185 Wis. 2d at 181-82. *Escalona-Naranjo* explains that a defendant must raise all grounds for postconviction relief in his or her first postconviction motion, which may be amended or supplemented, or in his or her direct appeal. *Id.*; see also WIS. STAT. § 974.06(4).

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

Powell did not raise his current arguments in his first postconviction motion filed December 9, 2015. Where, as here, a defendant fails to raise a claim in his or her initial postconviction motion or on direct appeal, the defendant is precluded from raising additional issues, including claims of constitutional or jurisdictional violations, in a subsequent motion or appeal if those issues could have been raised previously. Therefore, we conclude that Powell's claim is barred by *Escalona-Naranjo*. Moreover, Powell's arguments are not adequately developed and are not supported by legal authority or citation to the facts of record. We will not consider arguments that are inadequately briefed. See *State v. Pettit*, 171 Wis. 2d 627, 647, 492 N.W.2d 633 (Ct. App. 1992).

Powell contends that he should be excused from the procedural bar of *Escalona-Naranjo* because he has a sufficient reason for failing to previously raise his arguments—he does not understand and is not trained in legal matters. We reject this argument. As explained by the circuit court, “ignorance of the law is not a sufficient reason to overcome the procedural bar of *Escalona-Naranjo*.”

Therefore,

IT IS ORDERED that the orders of the circuit court are 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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*Diane M. Fremgen*  
*Clerk of Court of Appeals*