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WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I

December 15, 2020

To:

Hon. Stephanie Rothstein
Circuit Court Judge
Criminal Justice Facility
949 N. 9th St.
Milwaukee, WI 53233

Elizabeth A. Longo
Assistant District Attorney
District Attorney's Office
821 W. State. St. - Ste. 405
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
Room 114
821 W. State Street
Milwaukee, WI 53233

Christine A. Remington
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Roberto I. Lopez 327809
Jackson Correctional Inst.
P.O. Box 233
Black River Falls, WI 54615-0233

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

2019AP2219

State of Wisconsin v. Roberto I. Lopez (L.C. # 2002CF3278)

Before Brash, P.J., Dugan and Donald, 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).

Roberto Lopez, *pro se*, appeals the circuit court's order denying his postconviction motion brought pursuant to WIS. STAT. § 974.06 (2017-18).¹ He argues that his rights under the Interstate

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

Agreement on Detainers were violated.² After reviewing the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. Accordingly, we affirm.

Lopez pled guilty to two counts of felony murder in 2007. On direct appeal, he sought to withdraw his guilty plea, arguing that he received ineffective assistance of trial counsel. We rejected this argument and affirmed Lopez’s judgment. Since then, Lopez has filed more than twenty motions for postconviction relief in the circuit court and filed at least ten appeals and original actions in this court. The circuit court order currently before us, which was entered November 8, 2020, denied Lopez’s most recent postconviction motion.

Lopez argues that his rights were violated under the Interstate Agreement on Detainers, a federal law that allows detained persons to be transported between states. Lopez’s argument is procedurally barred under *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994). *Escalona-Naranjo* mandates that a prisoner “raise all grounds regarding postconviction relief in his or her original, supplemental or amended motion” unless the prisoner provides a sufficient reason for failing to do so. *Id.* “[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). Lopez has not provided any reason, let alone a sufficient reason, for failing to previously raise this claim. Therefore, he is procedurally barred by *Escalona-Naranjo*, 185 Wis. 2d at 185.

² Lopez raised additional arguments in the circuit court but has not pursued them on appeal.

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

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals