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**DISTRICT I**

January 26, 2021

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

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2019AP2409

State of Wisconsin v. David Earl Crawford (L.C. # 2015CF2074)

Before Dugan, Graham 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).**

David Earl Crawford appeals an order of the circuit court denying his postconviction motion for relief. Upon our review of the briefs and record, we conclude at conference that this

matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup> We summarily affirm.

In 2017, a jury convicted Crawford of first-degree reckless homicide and of being a felon in possession of a firearm. The circuit court imposed a total sentence of forty-five years for the first-degree reckless homicide conviction and a total sentence of seven years for the felon in possession conviction.

Crawford's appointed appellate counsel filed a no-merit report. Crawford then wrote this court seeking additional time for his family to obtain private counsel. This court issued an order, indicating that a no-merit report had been filed, and explaining Crawford's options with regard to discharging his appointed counsel and obtaining new counsel. In response, Crawford again requested additional time to obtain private counsel. This court granted his request, but Crawford ultimately did not respond to the no-merit report. This court summarily affirmed Crawford's judgment of conviction. *See State v. Crawford*, No. 2018AP1632-CRNM, unpublished slip op. (WI App Aug. 9, 2019).

Crawford, *pro se*, moved for reconsideration on the grounds that he was unaware that appellate counsel filed a no-merit report until this court issued its decision. We denied the motion, noting that Crawford's multiple correspondences with this court belied his claim.

Crawford, *pro se*, then filed the motion for postconviction relief, pursuant to WIS. STAT. § 974.06, that underlies this appeal. Crawford's motion argued that counsel was ineffective for filing a no-merit report when there was merit to his appeal; that certain witnesses did not have

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

sufficient knowledge to testify at his trial; and that the State did not prove the elements of either of the charged crimes.

The postconviction court denied the motion on the grounds that Crawford waived all of his arguments by failing to raise them in response to the no-merit report. This appeal follows.

On appeal, Crawford again argues that counsel was ineffective for filing a no-merit report and that the State failed to prove the elements of the crimes for which he was charged. He also argues that he was denied his right to due process.

A defendant must “raise all grounds regarding postconviction relief in his or her original, supplemental or amended motion,” unless the defendant demonstrates a sufficient reason for failing to raise the issues previously. *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994). “Successive motions and appeals, which all could have been brought at the same time, run counter to the design and purpose of the legislation [that provides postconviction remedies].” *Id.*

We remind Crawford that defendants are not permitted to pursue an endless succession of postconviction remedies. *See id.* Thus, claims which could have been, but were not, raised in a prior postconviction motion or on direct appeal are procedurally barred unless a sufficient reason for failing to raise the issues is presented. *Id.* This procedural bar may be applied where, as here, a prior appeal was processed under the no-merit procedure. *See State v. Tillman*, 2005 WI App 71, ¶¶27, 281 Wis. 2d 157, 696 N.W.2d 574 (“[A] prior no[-] merit appeal may serve as a procedural bar to a subsequent postconviction motion and ensuing appeal which raises the same issues or other issues that could have been previously raised[.]”).

We agree with the postconviction court that Crawford waived his right to litigate the issues absent a sufficient reason for his failure, which he has not provided. Therefore, his claims are procedurally barred. See *Escalona-Naranjo*, 185 Wis. 2d at 185; *Tillman*, 281 Wis. 2d 157, ¶27.

Accordingly, we affirm the order denying Crawford's motion for postconviction relief.

IT IS ORDERED that the 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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*Sheila T. Reiff*  
*Clerk of Court of Appeals*