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DISTRICT I

April 27, 2021

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

2020AP1116

State of Wisconsin v. Ivan Boyd (L.C. # 2013CF615)

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).

Ivan Boyd, *pro se*, appeals the circuit court's order denying his postconviction motion brought pursuant to WIS. STAT. § 974.06 (2019-20).¹ He argues: (1) that his Sixth Amendment right to confront and cross-examine witnesses was violated; (2) that he received ineffective

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

assistance of trial counsel because his counsel did not call Shonda Martin to testify at trial for the defense; (3) that his Fourteenth Amendment right to a fair trial was violated because the prosecution or its agents suppressed evidence; and (4) that the real controversy between the parties has not been fully tried. After reviewing the briefs and record, we conclude that summary disposition is appropriate. *See* WIS. STAT. RULE 809.21. Upon review, we affirm.

In 2015, following a jury trial, Boyd was convicted of armed robbery as a party to a crime. In 2016, Boyd filed a motion for postconviction relief, seeking a new trial based on claims of ineffective assistance of counsel and newly discovered evidence. The postconviction court denied the motion without a hearing. We affirmed on appeal. In 2018, Boyd, proceeding *pro se*, filed a postconviction motion seeking to reinstate the State's plea offers and alleging ineffective assistance of postconviction counsel. The postconviction court ordered briefing and held a hearing. The circuit court denied Boyd's motion. Boyd moved for reconsideration, which the circuit court denied. Boyd did not appeal. In 2020, Boyd filed a third postconviction motion, which the circuit court denied as procedurally barred under *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994). This appeal follows.

We agree with the circuit court that Boyd's arguments are procedurally barred. *Escalona-Naranjo* mandates that a person "raise all grounds regarding postconviction relief in his or her original, supplemental or amended motion" unless the person 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 and parenthetical information omitted). Courts will not consider the merits of claims that are procedurally barred by *Escalona-Naranjo*.

Escalona-Naranjo, 185 Wis. 2d at 185. Boyd has not provided any reason, let alone a sufficient reason, for failing to previously raise his current arguments. Therefore, we will not consider the merits of Boyd's claims.

Accordingly,

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