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DISTRICT I

October 26, 2021

To:

Hon. Janet C. Protasiewicz
Circuit Court Judge
Electronic Notice

John Barrett
Clerk of Circuit Court
Milwaukee County
Electronic Notice

John D. Flynn
Electronic Notice

Loryn Lange Limoges
Electronic Notice

Leonard Collins Sr.
2521 N. 26th St
Milwaukee, WI 53206

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

2019AP2050

State of Wisconsin v. Leonard Collins, Sr. (L.C. # 1975CF5829)

Before Brash, C.J., Donald, P.J., and White, J.

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).

Leonard Collins, Sr., *pro se*, appeals from an order of the circuit court that denied his petition for a writ of habeas corpus. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).¹ The order is summarily affirmed.

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

In 1976, a jury convicted Collins of the first-degree murder of his mother-in-law, whom he had stabbed multiple times. Collins has pursued numerous postconviction motions and appeals in the last forty-five years to try to overturn this conviction; none have been successful.

Collins' latest filing is a petition for a writ of habeas corpus, which the circuit court construed as a WIS. STAT. § 974.06 motion for relief. The motion appears to raise three main issues: (1) Collins was not present at all court proceedings; (2) there is evidence to show that his mother-in-law died due to medical error during life-saving efforts rather than exsanguination from her stab wounds; and (3) ineffective assistance of appellate counsel. The circuit court denied the motion without a hearing, concluding it was procedurally barred, either because the issues had already been litigated or because they should have been raised previously.

A defendant must raise all grounds for relief in his or her first postconviction motion and/or direct appeal unless there is a sufficient reason for not doing so. *See* WIS. STAT. § 974.06(4); *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994). A petition for habeas corpus will not be granted for a claim that either could have been raised during a prior appeal or was previously litigated. *See State v. Pozo*, 2002 WI App 279, ¶9, 258 Wis. 2d 796, 654 N.W.2d 12; *see also State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991) (“A matter once litigated may not be relitigated in a subsequent postconviction proceeding no matter how artfully the defendant may rephrase the issue.”).

Collins has had at least ten prior appeals in this matter. The issue of his mother-in-law's specific cause of death has been raised and rejected at least four times, most recently in *State ex rel. Collins v. State*, No. 2010AP1559, unpublished slip op. ¶¶11-12 (WI App Mar. 29, 2011),

wherein we recounted the circuit court’s 1997 ruling on the matter.² The issue of whether Collins was improperly excluded from the courtroom has also been raised at least twice before.³ Thus, the circuit court here appropriately concluded that to the extent Collins “argues or expands on his issues that have already been raised,” he cannot raise those issues again.⁴

To the extent that Collins is raising claims of ineffective assistance of appellate counsel that are not otherwise barred, such claims cannot be resolved by the circuit court. *See State v. Knight*, 168 Wis. 2d 509, 522, 484 N.W.2d 540 (1992) (WIS. STAT. § 974.06 “does not authorize a circuit court to resolve claims of ineffective assistance of appellate counsel.”).

Upon the foregoing, therefore,

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.

Sheila T. Reiff
Clerk of Court of Appeals

² *See also State v. Collins*, No. 1997AP3779, unpublished op. and order at 5 (WI App Feb. 2, 1999); *State v. Collins*, No. 2000AP1984-CR, unpublished op. and order at 2 (WI App Oct. 10, 2001); *State v. Collins*, No. 2007AP1769, unpublished slip. op ¶3 (WI App Oct. 15, 2008) (*Collins VIII*).

³ *See State v. Collins*, No. 1984AP803, unpublished slip op. at 3 (WI App May 15, 1985); *Collins VIII*, No. 2007AP1769, ¶3.

⁴ To the extent that Collins’ petition/motion raises new issues, we note that Collins has not provided a sufficient reason for failing to raise the issues in earlier proceedings. *See State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994). His pleading is entirely conclusory and is therefore insufficient to entitle Collins to a hearing. *See State v. Allen*, 2004 WI 106, ¶9, 274 Wis. 2d 568, 682 N.W.2d 433.