



OFFICE OF THE CLERK
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

November 9, 2021

To:

Hon. Mark A. Sanders
Circuit Court Judge
Electronic Notice

John Barrett
Clerk of Circuit Court
Milwaukee County
Electronic notice

John D. Flynn
Electronic Notice

Donald V. Latorraca
Electronic Notice

Antonio Devonte Jackson 526222
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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

2021AP368	State of Wisconsin v. Antonio D. Jackson (L.C. # 2014CF5375)
2021AP369	State of Wisconsin v. Antonio D. Jackson (L.C. # 2015CF4177)

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

Antonio Devonte Jackson, *pro se*, appeals the circuit court's orders denying his postconviction motion as well as for reconsideration brought pursuant to WIS. STAT. § 974.06 (2019-20).¹ He argues: (1) the police conducted a post-arrest lineup that violated his Sixth Amendment right to counsel and his Fourteenth Amendment right to due process; and (2) he

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

received ineffective assistance of trial counsel because his counsel did not move to suppress the identification and did not investigate his alibi. After reviewing the briefs and record, we conclude at conference that summary disposition is appropriate. *See* WIS. STAT. RULE 809.21. Upon review, we affirm.²

Jackson pled guilty to armed robbery, as a party to a crime, felony bail jumping, and misdemeanor resisting or obstructing an officer. The circuit court sentenced Jackson to an aggregate term of fifteen years of initial confinement and fourteen years of extended supervision.

Jackson's appointed appellate counsel filed no-merit appeals. Jackson responded to the no-merit report, arguing that: (1) he received constitutionally ineffective assistance of trial counsel because his counsel did not inform him about a read-in charge when he signed the plea questionnaire; (2) he received constitutionally ineffective assistance of trial counsel because his counsel did not have a trial strategy, did not inform him about the motions he could file, and manipulated him into entering a plea; (3) he should be resentenced because inaccurate information was presented to the sentencing court; and (4) the sentencing court did not adequately consider his eligibility for the Challenge Incarceration Program and the Substance Abuse Program. After independently reviewing the records for error as mandated by *Anders v. California*, 386 U.S. 738 (1967), we affirmed the judgments of conviction.

² The circuit court entered identical orders addressing Jackson's cases, which were considered together in the circuit court and on direct appeal.

Jackson then filed the current postconviction motion. The circuit court denied Jackson's motion without a hearing. Jackson moved for reconsideration, which the circuit court also denied. This appeal follows.

We agree with the circuit court that Jackson'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.*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994). "[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). Courts will not consider the merits of claims that are procedurally barred by *Escalona-Naranjo*. *Id.*, 185 Wis. 2d at 185. Jackson has not provided any reason, let alone a sufficient reason, for failing to previously raise his current arguments. Therefore, Jackson's claims are procedurally barred.

Accordingly,

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.

Sheila T. Reiff
Clerk of Court of Appeals