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**DISTRICT I**

November 9, 2021

To:

Hon. Stephanie Rothstein  
Circuit Court Judge  
Electronic Notice

John Barrett  
Clerk of Circuit Court  
Milwaukee County  
Electronic Notice

John D. Flynn  
Electronic Notice

Sara Lynn Shaeffer  
Electronic Notice

Mafayette Fields 371377  
Oakhill Correctional Inst.  
P.O. Box 938  
Oregon, WI 53575-0938

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

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2020AP1789-CR

State of Wisconsin v. Mafayette Fields (L.C. # 2005CF2117)

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

Mafayette Fields, *pro se*, appeals the circuit court's order denying his postconviction motion brought pursuant to WIS. STAT. § 974.06 (2019-20).<sup>1</sup> He also appeals the circuit court's order denying his motion to reconsider. Fields argues that he is entitled to sentence modification because the circuit court relied on inaccurate information when it sentenced him. He also contends that he is entitled to discretionary reversal of his conviction in the interests of justice

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

pursuant to WIS. STAT. § 752.35. 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.

Fields pled guilty to one count of first-degree reckless homicide in 2005. Since his conviction, he has filed several unsuccessful postconviction motions seeking relief from his conviction.

Fields’s current motion argues that he is entitled to sentence modification because he was sentenced based on inaccurate information.<sup>2</sup> This 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 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 omitted). Fields has not provided any reason, let alone a sufficient reason, for failing to previously raise this claim. Therefore, he is subject to the procedural bar of *Escalona-Naranjo*, 185 Wis. 2d at 185.

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<sup>2</sup> Fields contends that the circuit court incorrectly stated during sentencing that he violated a sobriety requirement during his extended supervision and incorrectly stated that the victim was shot in the hand defending himself.

To the extent that Fields’s attempts to frame his motion for sentence modification as seeking sentence modification based on a new factor, rather than inaccurate information, we agree with the circuit court that this allegation does not allege a new factor as defined in *State v. Harbor*, 2011 WI 28, ¶40, 333 Wis. 2d 53, 797 N.W.2d 828.

Fields also argues that he is entitled to discretionary reversal of his conviction in the interests of justice pursuant to WIS. STAT. § 752.35. Fields did not raise this argument in the circuit court. Therefore, he may not raise it on appeal. *See State v. Rogers*, 196 Wis. 2d 817, 826, 539 N.W.2d 897 (Ct. App. 1995) (an appellant may not raise an argument that was not presented to the circuit court).<sup>3</sup>

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.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*

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<sup>3</sup> Fields moved to stay this appeal on October 18, 2021, explaining that he wanted “to exhaust a remedy in the circuit court based on a mitigating circumstance.” Based on this one-sentence argument, Fields has not shown good cause to stay this appeal. Therefore, we deny the motion.