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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  
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**DISTRICT I**

November 16, 2021

To:

Hon. Jeffrey A. Wagner  
Circuit Court Judge  
Electronic Notice

John Barrett  
Clerk of Circuit Court  
Milwaukee County  
Electronic Notice

Nicholas DeSantis  
Electronic Notice

John D. Flynn  
Electronic Notice

Latonia Campbell  
308 North St.  
Lexington, MS 39095

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

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2020AP1103

State of Wisconsin v. Latonia Campbell (L.C. # 1998CF2858)

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).**

Latonia Campbell, *pro se*, appeals an order entered on June 25, 2020, denying her motion seeking postconviction relief from her 1999 criminal conviction. The circuit court denied the motion as procedurally barred. Upon review of the briefs and record, we conclude at conference that this matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).<sup>1</sup> We affirm.

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

In 1999, Campbell pled guilty to perjury. The circuit court imposed a three-year term of probation. The circuit court docket reflects that she completed that term and was discharged from probation effective on November 18, 2002.<sup>2</sup> Nearly eighteen years later, on May 12, 2020, Campbell filed a notice of appeal. We dismissed that appeal for lack of jurisdiction, explaining that the time for Campbell to appeal the 1999 judgment of conviction lapsed long ago and that she did not identify any other document from which she could appeal. See *State v. Campbell (Campbell I)*, No. 2020AP873-CR, unpublished op. and order at 2 (WI App June 4, 2020).

A few weeks after we released our opinion in *Campbell I*, Campbell filed a postconviction motion in the circuit court alleging various grounds for postconviction relief. The circuit court denied the motion, explaining that the time had passed for Campbell to raise postconviction claims in this matter. She appeals.

Campbell stated in her circuit court submission that she was raising claims “under [WIS. STAT. §] 808.03.” That statute is not a mechanism under which a convicted person may move for postconviction relief in the circuit court. Rather, § 808.03 provides an appeal of right from final judgments and final orders and limits appellate review of interlocutory determinations until after the entry of a final judgment or final order. See *Heaton v. Larsen*, 97 Wis. 2d 379, 395, 294 N.W.2d 15 (1980). We may, however, look beyond the label that a *pro se* litigant applies to pleadings to determine if he or she is entitled to relief. See *bin-Rilla v. Israel*, 113 Wis. 2d 514,

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<sup>2</sup> We may take judicial notice of electronic docket entries available through the Wisconsin Circuit Court Access Program. See *Kirk v. Credit Acceptance Corp.*, 2013 WI App 32, ¶5 n.1, 346 Wis. 2d 635, 829 N.W.2d 522.

521, 335 N.W.2d 384 (1983). If necessary, we may relabel the document and proceed from there. *See id.*

In this case, we observe that WIS. STAT. § 974.06 is the avenue for convicted persons to seek postconviction relief after the time for a direct appeal has passed. *See State v. Henley*, 2010 WI 97, ¶50, 328 Wis. 2d 544, 787 N.W.2d 350. Indeed, Campbell appears to recognize that she must proceed under § 974.06, because she begins her appellate submission by describing it as a “motion brief under § 974.06.” Accordingly, we examine whether Campbell may pursue her claims under that statute. *See bin-Rilla*, 113 Wis. 2d at 521.

A convicted person cannot litigate claims under WIS. STAT. § 974.06 unless the person is “in custody under the sentence he [or she] desires to attack.” *See State v. Bell*, 122 Wis. 2d 427, 430, 362 N.W.2d 443 (Ct. App. 1984). The circuit court found, however, that Campbell was discharged from probation long ago, and that she “is not in custody under the sentence of the court for purposes of proceeding under [§] 974.06.” Accordingly, the circuit court properly denied her claims.

Therefore,

IT IS ORDERED that the circuit court’s 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*