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DISTRICT I

September 13, 2022

To:

Hon. Milton L. Childs Sr.
Circuit Court Judge
Electronic Notice

Donald V. Latorraca
Electronic Notice

George Christenson
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Julio Angel Soto-Rios 578152
Waupun Correctional Inst.
P.O. Box 351
Waupun, WI 53963-0351

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

2021AP1601-CR

State of Wisconsin v. Julio Angel Soto-Rios (L.C. # 2012CF2666)

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).

Julio Angel Soto-Rios, *pro se*, appeals the circuit court's order denying his postconviction motion brought pursuant to WIS. STAT. § 974.06 (2019-20).¹ Soto-Rios argues that the circuit court should have imposed his sentences in this case to run concurrently to his sentence imposed in a prior case, Milwaukee County Case No. 2011CF899. We conclude that this appeal is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. Upon review, we affirm.

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

In Milwaukee County Case No. 2011CF899, Soto-Rios was convicted of fleeing an officer and operating a vehicle without the owner's consent, as a party to a crime. The circuit court sentenced Soto-Rios to six months in jail for fleeing and imposed a sentence of one year and six months of initial confinement and two years of extended supervision for operating a vehicle without the owner's consent. The circuit court then stayed that sentence in favor of two years of probation, which was subsequently revoked.

In the current case, Soto-Rios was convicted after a no-contest plea to one count of first-degree reckless injury and one count of aggravated battery, both with use of a dangerous weapon and as incidents of domestic abuse. The circuit court sentenced Soto-Rios to ten years of imprisonment on the first count, with seven years of initial confinement and three years of extended supervision, and five years of imprisonment on the second count, with two years of initial confinement and three years of extended supervision, to be served consecutively to each other and to any other sentence.

Soto-Rios argues that the circuit court erred in running his sentences in this case consecutive to the sentence imposed in the prior case. Soto-Rios has already unsuccessfully raised this argument twice. The current motion is Soto-Rios's third swing at bat. "A matter once litigated may not be relitigated in a subsequent postconviction proceeding no matter how artfully the defendant may rephrase the issue." *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991). Because Soto-Rios has already unsuccessfully litigated this issue, we will not consider the issue again.

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