



modification; (4) his trial counsel was ineffective for overlooking the allegedly inaccurate information at sentencing; and (5) he is entitled to an evidentiary hearing on his claims. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. Upon review, we affirm.

On December 27, 1996, Hamilton pled guilty to five crimes after he violently sexually assaulted a woman, attempted to kill her, and attacked a police officer. He was convicted of first-degree sexual assault, attempted first-degree intentional homicide while armed, first-degree recklessly endangering safety while armed, armed robbery with threat of force, and resisting an officer. All of his convictions were as a repeat offender because Hamilton had a prior conviction for felony theft. The circuit court sentenced Hamilton to a global indeterminate term of one hundred and fifty-five years of imprisonment.

After his conviction, Hamilton filed a direct appeal. We affirmed his conviction and rejected his arguments that he should be allowed to withdraw his pleas. Hamilton then filed a *pro se* postconviction motion pursuant to WIS. STAT. § 974.06, which the circuit court denied. Hamilton subsequently filed the current postconviction motion, which the circuit court also denied. This appeal follows.

The issues Hamilton raises all relate to his assertion that the State failed to prove he was a repeat offender. Hamilton previously raised the same issues in his first *pro se* postconviction motion. He argued that the State failed to prove he was a repeat offender. “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). Hamilton has couched the issues he previously raised in different legal

terms related to his sentencing, but the claims remain the same. Because Hamilton unsuccessfully litigated these issues in a prior collateral attack on his conviction, we will not consider them 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IT IS FURTHER ORDERED that this summary disposition order will not be published.

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