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**DISTRICT I**

May 2, 2023

To:

Hon. David L. Borowski  
Circuit Court Judge  
Electronic Notice

Michael C. Sanders  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Jovan Williams 575056  
Columbia Correctional Center  
2925 Columbia Drive  
Portage, WI 53901-0950

John D. Flynn  
Electronic Notice

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

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2020AP1735

State of Wisconsin v. Jovan Williams (L.C. # 2012CF5345)

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

Jovan Williams, *pro se*, appeals the circuit court's order denying his postconviction motion brought pursuant to WIS. STAT. § 974.06 (2021-22).<sup>1</sup> The issue is whether Williams' claims are procedurally barred. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

On August 21, 2013, Williams was convicted after a jury trial of felony murder, as a party to a crime. Williams' appointed appellate counsel filed a no-merit report. Williams responded to the report, arguing that the victim was not a reliable witness. On October 20, 2015, we summarily affirmed Williams' judgment of conviction after considering the issues discussed in the no-merit report and Williams' response, and after conducting an independent review of the record. We concluded that there were no issues of arguable merit that Williams could raise on appeal.

On September 14, 2020, Williams filed a postconviction motion arguing that his trial counsel provided him with constitutionally ineffective assistance by not presenting an alibi defense at trial and by not arguing that his confession was coerced. Williams also argued that he received ineffective assistance of postconviction/appellate counsel because his attorney did not argue that he received ineffective assistance of trial counsel on direct appeal. The circuit court denied Williams's motion.

Williams' claims are procedurally barred under *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994), and *State v. Tillman*, 2005 WI App 71, ¶19, 281 Wis. 2d 157, 696 N.W.2d 574. *Escalona-Naranjo* mandates that a defendant "raise all grounds regarding postconviction relief in his or her original, supplemental or amended motion" unless the defendant provides a sufficient reason for failing to do so. *Escalona-Naranjo*, 185 Wis. 2d at 185. *Tillman* provides that when a defendant fails to raise issues in response to counsel's no-merit report, the defendant waives the right to raise those issues absent demonstrating a sufficient reason for failing to raise the issues previously. *See id.*, 281 Wis. 2d 157, ¶19.

Williams could have raised his current arguments in his response to his no-merit report and he has not presented a sufficient reason for failing to do so. Williams contends that the reason he failed to previously raise his alibi and confessions arguments in response to the no-merit report was “because of his ignorance of the facts ... underlying his claim.” This is not a sufficient reason to overcome the procedural bar Williams faces. If Williams had an alibi or believed that his confession was coerced, Williams knew this before his trial, and thus could have raised these arguments in his response to the no-merit report. Therefore, we conclude that Williams’ claims are procedurally barred under *Escalona-Naranjo* and progeny.<sup>2</sup>

Therefore,

IT IS ORDERED that the order of the circuit court is summarily affirmed.

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>2</sup> We note that Williams submitted a letter to the clerk of this court identifying additional authorities on April 20, 2023.