



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

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
Web Site: www.wicourts.gov

DISTRICT III/IV

January 25, 2013

To:

Hon. William F. Kussel Jr.
Circuit Court Judge
311 N Main St
Shawano, WI 54166

Gregory A. Parker
District Attorney
311 N. Main St.
Shawano, WI 54166-2145

Susan Krueger
Clerk of Circuit Court
Shawano County Courthouse
311 N. Main Street
Shawano, WI 54166

Michael C. Sanders
Assistant Attorney General
P. O. Box 7857
Madison, WI 53707-7857

Earl L. Knope 303847
Sanger Powers Corr. Cntr
N8375 County Line Rd.
Oneida, WI 54155-9300

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

2012AP517

State of Wisconsin v. Earl L. Knope (L.C. # 1999CF158)

Before Higginbotham, Sherman and Kloppenburg, JJ.

Earl Knope appeals an order denying his WIS. STAT. § 974.06 (2011-12)¹ motion in which he claimed a violation of his constitutional speedy trial right. Upon our review of the parties' briefs and the record, we conclude at conference that the order should be summarily affirmed.

Knope was convicted of burglary and theft in 2001 after the circuit court denied his pro se motions to dismiss for failure to prosecute and for denial of a speedy trial. In 2002,

¹ All references to the Wisconsin Statutes are to the 2011-12 version.

Knope filed a pro se postconviction motion, again contending that he was denied his speedy trial right. Knope alleged ineffective assistance of trial counsel, based in part on the alleged speedy trial violation. The court denied Knope's motions. Knope also filed two pro se postconviction motions alleging newly discovered evidence, a motion for reconsideration, and a motion to reverse his conviction for denial of self-representation. In December 2011, Knope filed the present "motion to dismiss," again alleging a violation of his speedy trial rights. The circuit court denied the motion on the merits.

We need not reach the merits of Knope's claim because his latest motion was procedurally barred. WISCONSIN STAT. § 974.06(4) requires a prisoner to raise all grounds in a single postconviction motion and provides that any ground finally adjudicated or not so raised may not be the basis of a subsequent motion absent a showing of "sufficient reason." To the extent that Knope's most recent motion raises any new issue, he has not established any reason, much less a sufficient reason, for his failure to raise the issue in his earlier postconviction motions. To the extent that the present motion merely reiterates an issue previously adjudicated, that issue cannot be relitigated regardless of how artfully it is rephrased. *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991).

IT IS ORDERED that the order is summarily affirmed. WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals