

**COURT OF APPEALS
DECISION
DATED AND FILED**

April 21, 2015

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal Nos. 2014AP794
2014AP795
2014AP796
2014AP797**

**Cir. Ct. Nos. 1999CT656
2002CF144
2005CF371
2007CF699**

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

MICHAEL R. SEEHAFFER,

DEFENDANT-APPELLANT.

APPEALS from an order of the circuit court for Marathon County:
GREGORY E. GRAU, Judge. *Affirmed.*

Before Hoover, P.J., Stark and Hruz, JJ.

¶1 PER CURIAM. Michael Seehafer appeals an order denying his WIS. STAT. § 974.06 motion to vacate four drunk driving convictions.¹ He contends the convictions in Circuit Court Nos. 1999CT656, 2002CF144, 2005CF371 and 2007CF699 are invalid for various reasons. We affirm the circuit court's order denying the motion.

¶2 As to the first three convictions, the circuit court denied Seehafer's motion because Seehafer admitted he was no longer in custody under those sentences. Being in custody is a prerequisite for a motion for postconviction relief under WIS. STAT. § 974.06. *State v. Bell*, 122 Wis. 2d 427, 431, 362 N.W.2d 443 (1984). Seehafer does not address the circuit court's rationale for denying relief under § 974.06, in effect conceding the validity of the court's decision. *See Schlieper v. DNR*, 188 Wis. 2d 318, 322, 525 N.W.2d 99 (Ct. App. 1994).

¶3 As to the motion regarding Circuit Court No. 2007CF699, the circuit court denied the motion because it is procedurally barred by the rule against successive postconviction motions set out in *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994). Seehafer filed a previous appeal and numerous postconviction motions challenging that conviction. *Escalona-Naranjo* prohibits successive postconviction motions as to all issues that were raised, or could have been raised, in earlier motions. *Id.* Seehafer offers no explanation for his failure to have raised the present issues in his earlier motions, and again does not address the circuit court's rationale for denying the present motion. *See Schlieper*, 188 Wis. 2d at 322.

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE
809.23(1)(b)5.

