

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

March 18, 1999

Marilyn L. Graves  
Clerk, Court of Appeals  
of Wisconsin

**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 § 808.10 and RULE 809.62, STATS.

**No. 98-1992  
98-1993**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**DANIEL T. SHEA,**

**DEFENDANT-APPELLANT.**

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APPEAL from an order of the circuit court for Dane County:  
ROBERT R. PEKOWSKY, Judge. *Affirmed.*

Before Dykman, P.J., Vergeront and Deininger, JJ.

PER CURIAM. Daniel Shea appeals from an order denying his motion for postconviction relief. The issue is whether the trial court properly disposed of the motion without a hearing. We affirm.

The State charged Shea with one count of issuing a worthless check and one count of forgery. He entered no contest pleas to both charges in 1992, and received consecutive three-year prison terms. Several months later he moved for resentencing on the ground that he received ineffective representation at his sentencing hearing. The trial court denied relief and we affirmed on appeal. *State v. Shea*, Nos. 93-1787-CR and 93-1788-CR, unpublished slip op. (Wis. Ct. App. Nov. 10, 1994).

In April 1998, Shea filed a § 974.06, STATS., motion seeking to withdraw his plea, on the ground that trial counsel's ineffective representation leading up to his plea induced him to enter it involuntarily and unknowingly. The trial court denied the motion without a hearing, ruling it was barred under the holding in *State v. Escalona-Naranjo*, 185 Wis.2d 168, 517 N.W.2d 157 (1994). Shea contends on appeal that *Escalona* does not bar his motion, and that he is entitled to a hearing on it.

The trial court properly denied Shea a hearing on his motion. *Escalona* requires that the defendant show sufficient reasons for raising issues in a § 974.06, STATS., motion that could have been raised on direct appeal or in a § 974.02, STATS., motion. *Id.* at 185, 517 N.W.2d at 164. Here Shea stated only that appellate counsel "failed to inquire of me all the ways in which I felt trial counsel was ineffective. She failed to really discuss those matters with me whatsoever." That is a conclusory allegation, not a sufficient reason for the failure to timely raise the issue. *See State v. Bentley*, 201 Wis.2d 303, 314, 548 N.W.2d 50, 55 (1996) (on a postconviction pleading, in order to obtain a hearing, defendant must provide facts that allow the reviewing court to meaningfully assess the claim). Claiming that appellate counsel failed to elicit certain ways Shea felt

trial counsel was ineffective is not sufficiently specific to entitle him to a hearing on the reasons he did not raise ineffectiveness of trial counsel on his direct appeal.

*By the Court.*—Order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

