



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 I

February 16, 2016

To:

Hon. Stephanie Rothstein
Circuit Court Judge
Criminal Justice Facility
949 North 9th Street
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
Room 114
821 W. State Street
Milwaukee, WI 53233

Karen A. Loebel
Asst. District Attorney
821 W. State St.
Milwaukee, WI 53233

Nancy A. Noet
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Tyrone Stallings 260270
Redgranite Corr. Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

2015AP635-CR

State of Wisconsin v. Tyrone Stallings (L.C. #1996CF964321)

Before Kessler, Brennan and Brash, JJ.

Tyrone Stallings appeals the circuit court's order denying his motion for postconviction relief. The issue is whether Stallings' claims are procedurally barred under *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994). Based upon our review of the briefs, we conclude at conference that this matter is appropriate for summary disposition. See WIS. STAT. RULE 809.21(1) (2013-14).¹ We summarily affirm the order.

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

Stallings was convicted of conspiracy to commit first-degree intentional homicide in 1996. On direct appeal, Stallings's appointed counsel filed a no-merit report. Stallings did not respond to the report. After conducting an independent review of the record, we concluded that there were no arguably meritorious issues for appeal and affirmed the judgment of conviction. Since that time, Stallings has filed numerous motions and petitions challenging his conviction in the circuit court, this court, and the supreme court. Most recently, Stallings filed a motion entitled "Motion to Vacate [a] Void Judgment." The circuit court denied the motion. Stallings appeals.

The circuit court properly denied Stallings's motion without holding an evidentiary hearing because his claims are procedurally barred by WIS. STAT. § 974.06 and *Escalona-Naranjo*, 185 Wis. 2d at 184 (successive postconviction motions and appeals are procedurally barred unless a defendant can establish a sufficient reason for failing to previously raise the newly alleged errors). Stallings's postconviction motion does not provide any reason, much less a sufficient reason, explaining why his proffered claims were not raised in prior court proceedings. Therefore, his claims are barred under *Escalona-Naranjo*. Moreover, Stallings raised several of the issues in prior motions. It is well established that "[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).

Accordingly,

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

Diane M. Fremgen
Clerk of Court of Appeals