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DISTRICT I

April 15, 2016

To:

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

2015AP688

State of Wisconsin v. Melvin Shelton (L.C. #1987CF7869)

Before Curley, P.J., Kessler and Brennan, JJ.

Melvin Shelton, *pro se*, appeals a circuit court order denying his motion for relief from a 1987 judgment convicting him of first-degree sexual assault and an order denying his motion for reconsideration. He argues that he should not be required to register as a sex offender for life, as required by WIS. STAT. § 301.45(5)(b) (2013-14).¹ Based upon our review of the briefs, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. We affirm.

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

Shelton argues that he is entitled to relief from the judgment under WIS. STAT. § 806.07(1)(h), which allows the circuit court to grant relief from final judgments or orders if extraordinary circumstances exist. That statute is a civil procedure statute that gives the circuit court authority to grant relief in *civil cases*, not from criminal judgments of conviction. *See State v. Henley*, 2010 WI 97, ¶70, 328 Wis. 2d 544, 787 N.W.2d 350. Shelton is not entitled to relief under the statute.

Even if we were to construe Shelton's motion as a motion for postconviction relief brought pursuant to WIS. STAT. § 974.06, Shelton would not be entitled to relief. Shelton has filed over thirty prior postconviction motions. "[A]ny claim that could have been raised on direct appeal or in a previous Wis. Stat. § 974.06 ... postconviction motion is barred from being raised in a subsequent § 974.06 postconviction motion, absent a sufficient reason." *State v. Lo*, 2003 WI 107, ¶2, 264 Wis. 2d 1, 665 N.W.2d 756 (footnote omitted); *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994). Shelton has not provided an adequate reason for failing to previously raise this issue.

IT IS ORDERED that the orders of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals