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DISTRICT I/II

August 17, 2016

To:

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

2015AP1852

State of Wisconsin v. Stanley Myron Daniels, Jr.
(L.C. # 2006CF4653)

Before Reilly, P.J., Gundrum and Hagedorn, JJ.

Stanley Myron Daniels, Jr., appeals pro se from an order denying his motion for postconviction relief. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. WIS. STAT. RULE 809.21 (2013-14).¹ We affirm the order of the circuit court.

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

In 2007, Daniels was convicted following a guilty plea of first-degree reckless homicide as a party to a crime while using a dangerous weapon. The circuit court sentenced him to eighteen years of initial confinement followed by twelve years of extended supervision.

In 2009, this court affirmed Daniels' conviction. *State v. Daniels*, No. 2008AP1291-CRNM, unpublished op. and order (WI App Feb. 20, 2009). In doing so, we concluded that there were no potential issues of arguable merit. Accordingly, we accepted counsel's no-merit report and relieved her of further representation.

Approximately six and one-half years later, Daniels filed a motion for postconviction relief pursuant to WIS. STAT. § 974.06. In it, he sought to vacate his conviction, arguing that his plea was not knowingly, intelligently, and voluntarily entered. The circuit court denied Daniels' motion without a hearing. This appeal follows.

On appeal, Daniels contends that the circuit court erred in denying his motion for postconviction relief. He renews the claim made in his motion and seeks an evidentiary hearing on it.

"We need finality in our litigation." *State v. Escalona–Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994). Therefore, any claim that could have been raised in a prior postconviction motion or direct appeal cannot form the basis for a subsequent motion under WIS. STAT. § 974.06 unless the defendant demonstrates a sufficient reason for failing to raise the claim earlier. *Escalona–Naranjo*, 185 Wis. 2d at 185. Furthermore, a defendant may not again raise issues that were addressed in a no-merit decision. *State v. Tillman*, 2005 WI App 71, ¶19, 281 Wis. 2d 157, 696 N.W.2d 574.

Applying these principles to the case at hand, we conclude that Daniels' postconviction motion is procedurally barred. As noted by the State, the issue that Daniels raised in his motion was addressed in this court's no-merit decision. There, we rejected a challenge to the propriety of his guilty plea, concluding that the record reflects that Daniels' guilty plea was knowing, intelligent, and voluntary. *Daniels*, No. 2008AP1291-CRNM at 3. We reached this conclusion after consideration of counsel's no-merit report, Daniels' response,² and an independent review of the record. Daniels cannot litigate the issue again. See *Tillman*, 281 Wis. 2d 157, ¶19. Accordingly, we are satisfied that the circuit court properly denied his motion.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals

² In his response, Daniels challenged the circuit court's exercise of sentencing discretion and asserted that a new factor (research into adolescent brain development) warranted modification of his sentence.