

**COURT OF APPEALS
DECISION
DATED AND FILED**

January 12, 2010

David R. Schanker
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. 2009AP681-CR
2009AP682-CR**

**Cir. Ct. Nos. 1996CF964496
1996CF964555**

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

CHARLES LONDON WILLIAMS,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
KEVIN E. MARTENS, Judge. *Affirmed.*

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

¶1 PER CURIAM. Charles London Williams, *pro se*, appeals from an order denying his motion to modify his sentence. He argues that he was sentenced based on inaccurate information. We affirm.

¶2 Williams contends that he was sentenced based on inaccurate information because the circuit court thought he had been released on parole in a prior case when he committed this crime, but in fact he had been released because he had reached his mandatory release date. Williams' claim is barred. A defendant must raise all grounds for postconviction relief in his or her first postconviction motion and/or direct appeal. *See State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994); WIS. STAT. § 974.06(4) (2007-08).¹ This promotes “finality in our litigation.” *Escalona-Naranjo*, 185 Wis. 2d at 185. Williams has already filed multiple motions and appeals, but has not previously raised this argument. Since he could have raised it previously, but did not, he is barred from raising it now under *Escalona*.

¶3 Williams attempts to circumvent the *Escalona* bar by arguing that his claim is premised on new information. A motion for sentence modification based on a “new factor” can be made at any time. *State v. Noll*, 2002 WI App 273, ¶12, 258 Wis. 2d 573, 653 N.W.2d 895. Williams' attempt fails because the information to which he points is not new. He has known about it since the day of sentencing. A motion for sentence modification based on a “new factor” does not lie in these circumstances.

By the Court.—Order affirmed.

This opinion will not be published.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

¹ All references to the Wisconsin Statutes are to the 2007-08 version unless otherwise noted.

