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DISTRICT IV

January 15, 2026

To:

Hon. John M. Wood
Circuit Court Judge
Electronic Notice

Michael C. Sanders
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

Anthony Hill 275127
Stanley Correctional Institution
100 Corrections Dr.
Stanley, WI 54768

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

2024AP2029

State of Wisconsin v. Anthony Hill (L.C. # 2013CF1825)

Before Graham, P.J., Blanchard, and Taylor, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Anthony Hill appeals an order denying his postconviction motion that was filed under WIS. STAT. § 974.06 (2023-24).¹ Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. We affirm.

After a jury trial in 2014, Hill was convicted of one count of armed robbery. His unsuccessful attempt to obtain postconviction relief under WIS. STAT. RULE 809.30 ended in 2018. In 2019, he filed a pro se postconviction motion under WIS. STAT. § 974.06, and the

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

appeal from the denial of that motion ended with an affirmance in 2022. Hill filed another pro se motion under § 974.06 in 2023, which was also denied, and this denial was also affirmed by this court in May 2024.

Before our May 2024 decision, Hill filed another postconviction motion, in February 2024. The circuit court denied the motion without a hearing on May 1, 2024. Hill filed an appeal from that order, but then voluntarily dismissed it several months later. In the meantime, he filed in the circuit court a motion for reconsideration, which that court denied on June 27, 2024. On August 9, 2024, Hill filed a document called “Sufficient Reason in support of Ineffective Assistance of Post-Conviction Counsel,” along with a memorandum and a request for an evidentiary hearing. The circuit court denied this on September 26, 2024. Hill filed a notice of appeal, dated September 30, 2024, on October 4, 2024. The notice seeks to appeal from both the September 26 order and the earlier June 27 order denying reconsideration of the May 1 order.

This court has an independent duty to determine its jurisdiction over each appeal. *See Carla B. v. Timothy N.*, 228 Wis. 2d 695, 698, 598 N.W.2d 924 (Ct. App. 1999). Proceedings under WIS. STAT. § 974.06 are civil in nature, and the time to appeal in such proceedings is ninety days from entry of the judgment or order. WIS. STAT. §§ 808.04(1); 974.06(6). Hill’s appeal is untimely from both the May 1 and June 27, 2024, circuit court orders, and therefore we do not further consider them here.

As to the September 26 order, the circuit court denied Hill’s attempt to continue litigating matters that were already decided by it in the May 1 and June 27 orders. Hill is not entitled to relitigate matters already decided. *See State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991). His August 2024 requests could properly be denied on that basis.

The circuit court denied those requests based on a procedural bar. Whenever a defendant has already pursued a postconviction motion or direct appeal under WIS. STAT. RULE 809.30 or WIS. STAT. § 974.06, and then later files a postconviction motion under § 974.06, the threshold issue is whether the defendant has a sufficient reason for not having raised in the defendant's original postconviction proceedings the issues now raised. *See* § 974.06(4); *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994).

Hill's opening brief on appeal lists as one of the issues whether he had a sufficient reason for not bringing his current claims earlier. However, the brief itself contains no argument on that point, but only on whether his motions alleged sufficient facts. In Hill's reply brief, he argues that his sufficient reason is that his postconviction counsel was ineffective by not making these claims. However, some of Hill's earlier postconviction motions were pro se, and the omission by earlier counsel is not a sufficient reason for Hill not to include the issues in his pro se motions.

IT IS ORDERED that the order appealed from is summarily affirmed under WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals