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DISTRICT IV

January 23, 2026

To:

Hon. Anna L. Becker
Circuit Court Judge
Electronic Notice

Daniel J. O'Brien
Electronic Notice

Jean Sahr
Clerk of Circuit Court
Jackson County Courthouse
Electronic Notice

Jessie Blankenship 702878
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You are hereby notified that the Court has entered the following opinion and order:

2024AP1336-CR	State of Wisconsin v. Jessie Blankenship (L.C. # 2020CF76)
2024AP1337-CR	State of Wisconsin v. Jessie Blankenship (L.C. # 2021CF19)

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).

Jessie Blankenship, pro se, appeals two circuit court orders that denied Blankenship's most recent postconviction motions 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 summarily affirm.

In July 2021, Blankenship was convicted on his no-contest pleas to one count of aggravated battery and three counts of battery by prisoner. The circuit court sentenced

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

Blankenship to a total of five years of initial confinement and six years of extended supervision. Blankenship waived his right to postconviction counsel, and this court extended the time for Blankenship to file a postconviction motion pro se to September 22, 2022. On July 13, 2022, Blankenship filed a postconviction motion “to reconsider sentence due to psychological effects.” The circuit court denied the motion. On August 17, 2022, Blankenship filed a second postconviction motion in the circuit court. In that motion, Blankenship argued that his convictions were contrary to WIS. STAT. § 946.73, “Penalty for violating laws governing state or county institutions.” That motion was denied as well. Subsequently, Blankenship filed multiple motions for sentence modification, each of which was denied.

On June 10 and June 24, 2024, Blankenship filed the postconviction motions that are the subject of this appeal. In those motions, Blankenship raised numerous challenges to his convictions and sentences.² He argued that the reason that he did not raise his claims earlier was that he did not receive the full case file, which included his mental health records, from his appointed postconviction counsel until March 2023. The circuit court determined that Blankenship’s arguments were procedurally barred under *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 181-82, 517 N.W.2d 157 (1994), and denied the motions. Blankenship appeals.

² Specifically, Blankenship argued that: (1) the sentencing court relied on inaccurate information as to Blankenship’s prior criminal convictions and mental health history; (2) his trial counsel was ineffective at the plea hearing and at sentencing; (3) the sentencing judge was biased; (4) Blankenship was not competent at the time he entered his pleas; (5) his convictions for battery by prisoner are invalid because he had not been convicted of a crime at the time those offenses were committed in the jail; and (6) the battery by prisoner charges were brought as an act of prosecutorial misconduct and violated Blankenship’s rights to due process and equal protection. As set forth below, not all of those arguments are pursued by Blankenship on appeal. We deem arguments not pursued on appeal as abandoned. See *State v. Pico*, 2018 WI 66, ¶9 n.7, 382 Wis. 2d 273, 914 N.W.2d 95 (“[A]n issue raised in the trial court, but not raised on appeal, is deemed abandoned.”) (quoted source omitted)).

An issue that could have been raised in a previous postconviction motion is procedurally barred unless the movant establishes a sufficient reason for not raising the issue in the earlier proceedings. *See* WIS. STAT. § 974.06; *Escalona-Naranjo*, 185 Wis. 2d at 181-82. Whether the procedural bar applies to a postconviction claim is a question of law subject to our independent review. *See State v. Tolefree*, 209 Wis. 2d 421, 424, 563 N.W.2d 175 (Ct. App. 1997).

On appeal, Blankenship argues that: (1) his pleas were not knowing, intelligent, and voluntary; (2) the charges of battery by prisoner were contrary to WIS. STAT. § 946.73, “Penalty for violating laws governing state or county institutions,” and violated his right to equal protection; (3) his convictions for battery by prisoner violated his due process rights because he had not been convicted of any crimes at the time he committed the offenses while being held in jail on pending charges; and (4) his convictions for battery by prisoner were contrary to law because he was not a “prisoner” at that time. Blankenship argues that he has a sufficient reason for failing to raise those claims previously because he did not receive his file from his appointed postconviction counsel until “the first quarter of the year 2023,” after his first two postconviction motions were denied.

We conclude that Blankenship’s arguments are procedurally barred under *Escalona*. Blankenship’s asserted reason for failing to raise his current claims earlier—that he did not receive his case file from his postconviction counsel until after his first two postconviction motions were denied—is insufficient to overcome the procedural bar. Significantly, Blankenship does not explain what material in the file was necessary to raise his current claims. Accordingly, we conclude that Blankenship has failed to set forth a sufficient reason to overcome the *Escalona* procedural bar.

Moreover, to the extent that Blankenship attempts to re-litigate any of the claims he raised in his first two postconviction motions, those claims are barred on the basis that they were previously litigated. *See State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991) (“A matter once litigated may not be relitigated in a subsequent postconviction proceeding no matter how artfully the defendant may rephrase the issue.”). For those reasons, the circuit court properly denied Blankenship’s motions.

Therefore,

IT IS ORDERED that the orders are summarily affirmed pursuant to 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