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**DISTRICT I**

January 21, 2026

To:

Hon. Michelle A. Havas  
Circuit Court Judge  
Electronic Notice

Daniel J. O'Brien  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Charles Wilson 249903  
Fox Lake Correctional Institution  
W10237 Lake Emily Road  
Fox Lake, WI 53933

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

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2024AP2278

State of Wisconsin v. Charles Wilson (L.C. # 1999CF5019)

Before White, C.J., Colón, P.J., and Geenen, J.

**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).**

Charles Wilson, pro se, appeals from an order denying his postconviction motion filed pursuant to WIS. STAT. § 974.06 (2023-24),<sup>1</sup> and from the order denying his motion for reconsideration. Based upon our review of the briefs and record, we conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. We summarily affirm.

Wilson was convicted in 2000 after a jury trial of first-degree intentional homicide using a dangerous weapon. After his conviction, he filed a postconviction motion and direct appeal

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

through counsel, followed by two pro se WIS. STAT. § 974.06 motions. The circuit court denied all of those motions without hearings, and this court affirmed those decisions on appeal.

Wilson's third WIS. STAT. § 974.06 motion, from which he now appeals, was also rejected by the circuit court. In that motion, he raised a claim of newly discovered evidence in the form of a decision by the Maryland Supreme Court, *Abruquah v. State*, 296 A.3d 961 (2023), which discusses the reliability of firearms identification by experts.

The circuit court found that the Maryland case was not evidence, but rather "a judicial opinion from an out-of-state jurisdiction involving a different set of facts and circumstances" that has "no precedential value in this case." Furthermore, the court found that Wilson's claim was procedurally barred because he had never challenged the ballistics evidence in prior postconviction proceedings. The court noted that Wilson may not have thought about such a challenge prior to reading about the Maryland case, but that does not provide a sufficient reason for failing to previously raise the claim. Moreover, the court observed that Wilson's case did not "hinge on the ballistics evidence" that was presented, as there was "ample direct and circumstantial evidence to support the guilty verdict."

Wilson filed a motion for reconsideration, which was also denied by the circuit court. This appeal follows.

We conclude Wilson's newly discovered evidence claim is procedurally barred as well as failing on the merits. In his first WIS. STAT. § 974.06 motion, Wilson raised an issue relating to the ballistics evidence in his case, alleging that his postconviction counsel was ineffective for, among other things, failing to impeach the State's firearms expert and for failing to call a defense firearms expert to rebut that testimony. Wilson's claims were all rejected by the circuit court as

conclusory and insufficiently pled. The circuit court further found that Wilson had not established that his claims were clearly stronger than those raised in his direct appeal. *See State v. Romero-Georgana*, 2014 WI 83, ¶4, 360 Wis. 2d 522, 849 N.W.2d 668. This court affirmed that decision. *See State v. Wilson*, No. 2018AP95, unpublished slip op. and order (WI App Sept. 30, 2019).

Although couched in terms of newly discovered evidence as opposed to an ineffective assistance claim, Wilson’s current claim appears to be similar to the claim in his first WIS. STAT. § 974.06 motion where he challenged the ballistics evidence. A claim that has previously been litigated is barred from being relitigated. *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.”).

Furthermore, Wilson’s newly discovered evidence claim fails on the merits because the decision by the Maryland Supreme Court is not evidence. Although Wilson properly states the factors for establishing newly discovered evidence, as set forth in *State v. Plude*, 2008 WI 58, ¶32, 310 Wis. 2d 28, 750 N.W.2d 42, he fails to recognize that he cannot satisfy the *Plude* factors since the Maryland case is not evidence. Rather, as the circuit court observed, it is simply a judicial opinion from another jurisdiction, based on facts specific to that case, with no precedential value.

Therefore, Wilson’s newly discovered evidence claim is procedurally barred as well as failing on the merits. Accordingly, we affirm the circuit court’s orders denying his WIS. STAT. § 974.06 motion and motion for reconsideration.

Upon the foregoing,

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

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*