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WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

February 18, 2026

To:

Hon. Eugene A. Gasiorkiewicz
Circuit Court Judge
Electronic Notice

Sonya Bice
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Sean A. Riker #567232
Wisconsin Secure Program Facility
1101 Morrison Drive
Boscobel, WI 53805

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

2025AP1333-CR

State of Wisconsin v. Sean A. Riker (L. C. #2009CF1490)

Before Neubauer, P.J., Gundrum, and Lazar 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).

Sean A. Riker, pro se, appeals from an April 24, 2025 order denying his motion for reconsideration. At issue is our jurisdiction. 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 (2023-24).¹ Because Riker does not raise any new issues in his motion for reconsideration, we lack jurisdiction. Accordingly, we dismiss his appeal.

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

As background, in 2011, a jury found Riker guilty of 2 gun counts and 14 counts related to sexual and physical assaults of his young stepdaughters and his wife. The circuit court entered judgment on the jury verdict and imposed consecutive sentences totaling 269 years. Riker filed a direct appeal and, in a decision issued in 2015, this court affirmed his conviction. *State v. Riker*, No. 2013AP2541-CR, unpublished slip op. (WI App Jan. 28, 2015).

Riker, proceeding pro se, has filed several subsequent Wis. Stat. § 974.06 postconviction motions over the years raising various challenges, none of which have been successful.

In November 2024, Riker filed another postconviction motion under Wis. Stat. § 974.06. Riker moved for a new trial alleging that the State failed to disclose a computer examination report generated by the Department of Criminal Investigation (DCI) in 2010 that would show that his wife downloaded child pornography onto the home computer and laptop while Riker was in jail.

The circuit court summarily dismissed Riker's postconviction motion as procedurally barred. *See State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994). The court stated that the motion was "nothing more tha[n] a regurgitation of [Riker's] numerous previous motions on this issue." Riker did not appeal the December 2, 2024 order of the court.²

² We note that if Riker had timely appealed this order "[t]here would be no need for this court to address whether the reconsideration decision is appealable." *See Kraemer v. Traun*, 2025 WI App 8, ¶43, 415 Wis. 2d 125, 17 N.W.3d 49 (2024). An appeal from the December 2, 2024 final order would be untimely because the notice of appeal was not filed within 90 days. *See* WIS. STAT. § 808.04(1) (requiring a notice of appeal to be filed within 90 days if no notice of entry of order or judgment is given).

Instead, in a letter dated January 16, 2025, and filed February 18, 2025, Riker asked the circuit court “to reconsider” its December 2, 2024 order. On April 24, 2025, the court issued a written order denying the motion. The court stated that “[o]ne of the cardinal rules regarding review of motions to reconsider is that they should not serve as a second kick at a decision that was adverse to a party but rather to highlight errors of law or fact made by the deciding tribunal.” It denied the motion for reconsideration, stating that it relied “upon all of its previous rulings as serving as a basis for the challenged ruling.”

Subsequently, on May 12, 2025, Riker filed a pro se document indicating he was appealing the April 24, 2025 order, which we construed as a notice of appeal. An appeal cannot be taken from an order denying a motion for reconsideration that presents the same issues as those determined in the order sought to be reconsidered. *See Silverton Enter., Inc. v. General Cas. Co. of Wis.*, 143 Wis. 2d 661, 665, 422 N.W.2d 154 (Ct. App. 1988). This rule prevents a motion for reconsideration from being improperly used to extend the time to appeal from a judgment or an order when that time has expired. *Id.*; *see also Ver Hagen v. Gibbons*, 55 Wis. 2d 21, 24-26, 197 N.W.2d 752 (1972).

Given the *Ver Hagen/Silverton* rule, *see Kraemer v. Traun*, 2025 WI App 8, ¶43, 415 Wis. 2d 125, 17 N.W.3d 49 (2024), on July 28, 2025, we issued an order directing the parties to address in their appellate briefs whether this court has jurisdiction to review the December 2, 2024 and April 24, 2025 orders. Specifically, we directed the parties to address whether the motion for reconsideration that was denied in the April 24, 2025 circuit court order presented the same issues as those decided in the December 2, 2024 court order from which reconsideration was sought.

To determine whether a new issue exists, we compare the issues raised in the motion for reconsideration with those disposed of in the original order. *See Harris v. Reivitz*, 142 Wis. 2d 82, 87, 417 N.W.2d 50 (Ct. App. 1987). In comparing Riker's November 2024 motion with his subsequent letter filed in February 2025 seeking reconsideration, we agree with the circuit court that both motions present the same claims. Both his November motion and the February filing are based on Riker's allegation that the State failed to disclose a computer examination report generated by DCI. We conclude that the motion for reconsideration did not raise any new issues that were not already disposed of by the original order and, therefore, we lack jurisdiction and must dismiss the appeal.

Therefore,

IT IS ORDERED that the appeal is summarily dismissed for lack of jurisdiction. *See* 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