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DISTRICT I

March 10, 2026

To:

Hon. Pedro A. Colon
Circuit Court Judge
Electronic Notice

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

Salaam Johnson 222716
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You are hereby notified that the Court has entered the following opinion and order:

2024AP1552-CR State of Wisconsin v. Salaam Johnson (L.C. # 1993CF934598)

Before White, C.J., Donald, and Geenen, 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).

Salaam Johnson, pro se, appeals from orders of the circuit court that denied his motions for relief. 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] The orders are summarily affirmed.

A criminal complaint filed in December 1993 charged Johnson with ten various robbery offenses. At the start of the preliminary hearing in January 1994, the State informed the circuit

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

court it was withdrawing Count 6. The court asked the State if it was moving to dismiss the charge; when the State answered affirmatively, the court granted the motion. The jury convicted Johnson on five counts of armed robbery, one count of attempted robbery, and one count of robbery, all with the threat of force. The court imposed consecutive indeterminate sentences totaling 86 years of imprisonment with parole eligibility after 21 years and 6 months. Johnson appealed; we affirmed. *See* ***State v. Johnson***, No. 1995AP1849-CR, unpublished slip op. (WI App May 29, 1996).

In 2006, Johnson filed a postconviction motion, assisted by counsel, alleging that the circuit court had failed to give adequate reasons for the length of his sentence and claiming that he was unaware that agreeing to have the charge in another case dismissed and read in meant the court could consider the charge at sentencing. The circuit court denied the motion; we affirmed. *See* ***State v. Johnson***, No. 2006AP1238-CR, unpublished slip op. (WI App Mar. 20, 2007).

Subsequently, Johnson filed: (1) a motion for sentence modification in October 2012; (2) a motion for relief in March 2013; (3) a WIS. STAT. § 974.06 motion in May 2013; (4) a "legal pleading" in September 2018; (5) a motion to dismiss in September 2020; (6) a letter to reopen or expunge the case or to modify the sentence in March 2021; (7) a § 974.06 motion in September 2022; and (8) a § 974.06 motion in March 2023. These requests were all denied, primarily based on the procedural bar of ***State v. Escalona-Naranjo***, 185 Wis. 2d 168, 517 N.W.2d 157 (1994).[2]

[2] Johnson had also filed notices of appeal from his 1994 judgment of conviction in January 2022, May 2022, and March 2024. The first appeal was dismissed for nonpayment of the filing fee and the second and third appeals were dismissed due to untimeliness and this court's resulting lack of jurisdiction.

On June 17, 2024, Johnson sent a letter addressed to the chief judge of the first judicial administrative district. The letter evidently referred to the circuit court, which construed the letter as a motion for reconsideration of a September 2018 order that denied Johnson's "legal pleading" as procedurally barred. The motion for reconsideration was denied on July 2, 2024. On July 23, 2024, Johnson filed a motion for the production of documents or postconviction discovery and a motion to dismiss. The circuit court denied both motions in a single order on July 31, 2024, finding no legal basis for ordering the production of documents and again stating that Johnson's claims were procedurally barred by ***Escalona***. Johnson appeals both July 2024 orders.

Johnson's primary argument is a type of double jeopardy claim. Johnson asserts that the pretrial dismissal of Count 6 was an adjudication of all ten pending charges, so that the dismissal "became a final resolution on the merits as that determination of innocence acquitted the defendant of all wrongdoing." Thus, Johnson believes, when the nine remaining counts were tried to a jury, double jeopardy violations occurred.

Any claim that could have been raised on direct appeal or in a previous WIS. STAT. § 974.06 postconviction motion is barred from being raised in a subsequent § 974.06 motion, absent a sufficient reason. ***State v. Lo***, 2003 WI 107, ¶2, 264 Wis. 2d 1, 665 N.W.2d 756. Whether a procedural bar applies is a question of law. ***State v. Tolefree***, 209 Wis. 2d 421, 424, 563 N.W.2d 175 (Ct. App. 1997). Since his conviction, Johnson has pursued at least ten postconviction motions and five appeals. To the extent that his latest motions raise any new issues, Johnson fails to offer any reason for his failure to raise those issues earlier.

Instead, Johnson argues that the ***Escalona*** bar does not apply because the issue he is raising is one of plain error. "Under the doctrine of plain error, an appellate court may review error that was otherwise waived by a party's failure to … preserve the error for review as a matter of right." ***State v. Mayo***, 2007 WI 78, ¶29, 301 Wis. 2d 642, 734 N.W.2d 115. However, we look beyond the labels that pro se prisoners affix to their pleadings. *See* ***Lewis v. Sullivan***, 188 Wis. 2d 157, 165, 524 N.W.2d 630 (1994). A double jeopardy claim is a claim of constitutional error, which places it squarely within the ambit of WIS. STAT. § 974.06. *See* ***State v. Henley***, 2010 WI 97, ¶52, 328 Wis. 2d 544, 787 N.W.2d 350. Accordingly, the circuit court did not err in applying ***Escalona*** to reject Johnson's motions.

We also note that Johnson has made this double jeopardy claim at least seven times previously. After the circuit court denied his "motion to dismiss" in September 2020, Johnson moved for reconsideration. As the circuit court explained when it denied reconsideration:

> [Johnson] believes that the dismissal of count six at the preliminary hearing was an "acquittal" which invalidated his prosecution on the other counts. This reasoning is fundamentally flawed. Count six is factually different from the other counts; the decision to dismiss count six (on the State's motion) was not an acquittal on that count or any other, and it did not give rise to a double jeopardy violation.

Thus, Johnson's current motions are also barred by ***State v. Witkowski***, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991), as matters once litigated cannot be relitigated, no matter how the defendant reframes the issue.

At this juncture, the court will also warn Johnson regarding his excessive postconviction filings. Serial litigation imposes a significant and unwarranted burden on the judicial system. *See* ***State v. Casteel***, 2001 WI App 188, ¶23, 247 Wis. 2d 451, 634 N.W.2d 338. No person is

entitled to consume the limited resources of our courts with claims that the person knows or should know are prohibited by familiar rules barring repetitious and vexatious litigation. *See* ***id.*** Therefore, we caution Johnson that we are prepared to impose appropriate sanctions upon him should he continue to file claims that he has previously raised or that are unsupported by a sufficient reason for failing to raise them earlier. *See* ***id.***, ¶¶25-26. We will not approve the squandering of scarce judicial resources in considering and reconsidering one individual's claims if those claims are frivolous, abusively repetitive, or otherwise improper. *See* ***id.*** Johnson should consider himself warned.

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.

Samuel A. Christensen
Clerk of Court of Appeals