



OFFICE OF THE CLERK
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 IV

April 2, 2026

To:

Hon. Karl Hanson
Circuit Court Judge
Electronic Notice

Christine A. Remington
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

Milton Eugene Warren 631350
Redgranite Correctional Institution
P.O. Box 925
Redgranite, WI 54970-0925

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

2024AP1288

State of Wisconsin v. Milton Eugene Warren (L.C. # 2014CF2123)

Before Graham, P.J., Nashold, 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).

Milton Warren appeals an order denying his motion asking the circuit court to reconsider its order denying his postconviction motion. 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 (2023-24).¹ We dismiss the appeal in part for lack of jurisdiction, and otherwise affirm.

In this court's order of August 30, 2024, we directed the parties to address as the first issue in their briefs whether we lack appellate jurisdiction as to the June 17, 2024 order that

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

Warren is appealing. Specifically, we explained that the circuit court’s order, which denied Warren’s reconsideration motion, is not properly appealable, except to the extent that the motion raised issues different from those that were determined in the circuit court’s original June 23, 2023 order. *See Ver Hagen v. Gibbons*, 55 Wis. 2d 21, 26, 197 N.W.2d 752 (1972); *Silverton Enters., Inc. v. General Cas. Co. of Wis.*, 143 Wis. 2d 661, 665, 422 N.W.2d 154 (1988) (“No right of appeal exists from an order denying a motion to reconsider which presents the same issues as those determined in the order or judgment sought to be reconsidered.”).

Warren’s reconsideration motion asked the circuit court to reconsider Warren’s claim that a witness recanted. That motion was followed by several additional filings by Warren that continued to discuss this issue. Warren argues now that we have appellate jurisdiction as to this alleged recantation issue because the circuit court did not actually decide that issue in its June 2023 order. He contends that, in the June 2023 order, the circuit court did not review the merits of his claim of witness recantation and instead mistakenly rejected the claim as having been previously litigated.

Warren’s description of the June 2023 order is incorrect. That order considered Warren’s claim about witness recantation, including an affidavit that Warren submitted that was allegedly from the allegedly recanting witness, and denied the claim based on the law of newly discovered evidence. Contrary to Warren’s current argument, the circuit court’s June 2023 order decided Warren’s recantation claim on the merits, and not because the court mistakenly concluded that it had been previously litigated. Because Warren’s motion for reconsideration of that issue raised an issue that was decided in the June 2023 order, we lack jurisdiction over an appeal from the June 17, 2024 order denying reconsideration, to the extent that Warren is now seeking review of that claim. *See Ver Hagen*, 55 Wis. 2d at 26; *Silverton*, 143 Wis. 2d at 665.

Warren's brief on appeal also contains an argument about alleged prosecutorial misconduct. That is, he argues it was prosecutorial misconduct to present what he describes as the knowingly false testimony of that same witness at trial. However, Warren does not attempt to develop a legal argument to support this claim. It also appears that this is largely a repackaging of the claim of witness recantation that the circuit court denied in June 2023, and is not properly before us in this appeal. Therefore, we do not further address this issue.

IT IS ORDERED that this appeal is dismissed as to issues previously decided by the circuit court in its June 23, 2023 order.

IT IS FURTHER ORDERED that the order appealed from is summarily affirmed under WIS. STAT. RULE 809.21, to the extent that it decided new issues.

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

Samuel A. Christensen
Clerk of Court of Appeals