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DISTRICT I

May 5, 2026

To:

Hon. Jeffrey A. Wagner
Circuit Court Judge
Electronic Notice

Michael C. Sanders
Electronic Notice

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

Jose A. Adames 613596
New Lisbon Correctional Inst.
P.O. Box 2000
New Lisbon, WI 53950-2000

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

2024AP837

State of Wisconsin v. Jose A. Adames (L.C. # 2013CF3169)

Before Colón, P.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).

Jose A. Adames, pro se, appeals from an order denying his motion for reconsideration. 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 Adames did not raise any new issues in his motion for reconsideration, we lack jurisdiction. Accordingly, we dismiss the appeal.

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

Adames was convicted in 2014 of first-degree sexual assault, false imprisonment, and two counts of armed robbery, all as party to a crime, and one count of misdemeanor bail jumping. In 2015, Adames, with the assistance of counsel, moved for a new trial. The circuit court denied his motion. Adames appealed, and this court affirmed. *See State v. Adames*, No. 2015AP2410-CR, unpublished slip op. (WI App Mar. 14, 2017). The Wisconsin Supreme Court denied review. We set forth the facts of the case in our previous decision and need not restate them for purposes of resolving this appeal.

In 2017, Adames, pro se, subsequently moved for a new trial under WIS. STAT. § 974.06. The circuit court denied his motion.

In 2024, Adames, pro se, again moved for postconviction relief under WIS. STAT. § 974.06. On January 22, 2024, the circuit court denied his motion on the grounds that it was procedurally barred under *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994). In a written decision, the court explained that Adames failed to provide a sufficient reason for not having raised his claims in his 2017 motion for postconviction relief. The court also concluded that Adames failed to show that his current claims are clearly stronger than the ones his postconviction counsel raised in Adames's 2015 motion for a new trial. Adames did not appeal the court's order.

Instead, he filed a pro se motion for reconsideration seeking to establish a sufficient reason for not raising his claims earlier. Namely, Adames argued that he could not have raised his current claims in his 2017 pro se motion for postconviction relief because his postconviction counsel did not give him his case's discovery file until 2021. In a March 20, 2024 decision and order, the circuit court denied Adames's motion. The court explained that in order to evade the

procedural bar of *Escalona-Naranjo*, Adams was required to provide a sufficient reason in his motion for postconviction relief, not for the first time in a request for reconsideration. The court additionally concluded that Adames failed to show that he requested his case file before he filed his 2017 pro se motion for a new trial or that his current claims are clearly stronger than the claims his postconviction counsel raised in his 2015 motion for a new trial.

Adames then filed a pro se notice of appeal of the order denying his motion for reconsideration. This court subsequently issued an order directing the parties to address in their appellate briefs whether this court has jurisdiction to review the order denying Adames's reconsideration motion. Specifically, the parties were ordered to address, as the first issue in their appellate briefs, "whether the motion for reconsideration that was denied in the March 20, 2024 order presented the same issues as those determined in the January 22, 2024 order from which reconsideration was sought, and whether this court has jurisdiction to review the March 20, 2024 order." Adames's opening brief did not address the jurisdictional issue that was identified.²

Whether this court has jurisdiction to hear an appeal is a question of law we consider independently. *State v. Scaccio*, 2000 WI App 265, ¶4, 240 Wis. 2d 95, 622 N.W.2d 449. "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." *Silverton Enters., Inc. v. General Cas. Co. of Wis.*, 143 Wis. 2d 661, 665, 422 N.W.2d 154 (Ct. App. 1988). For this court to have jurisdiction over an order denying a motion for reconsideration, the

² Adames asserted only that this court has jurisdiction based on the validity of his notice of appeal.

motion “must present issues other than those determined by the order or judgment for which review is requested.” *Ver Hagen v. Gibbons*, 55 Wis. 2d 21, 26, 197 N.W.2d 752 (1972).

Adames did not raise any new issues in his reconsideration motion. Rather, he attempted to solve the shortcoming of his WIS. STAT. § 974.06 motion by providing a sufficient reason for not having raised his claims in his 2017 motion. Adames failed to timely appeal the order denying his § 974.06 motion and cannot now restart the clock by appealing from the denial of his motion to reconsider that order. *See La Crosse Tr. Co. v. Bluske*, 99 Wis. 2d 427, 429, 299 N.W.2d 302 (Ct. App. 1980) (“[T]he policy behind the rule [barring appeal of a reconsideration motion which does not raise new issues] is to prevent a party from extending the time to appeal by filing a motion for reconsideration.”). Because Adames’s motion for reconsideration did not raise any new issues, we conclude we are without jurisdiction to hear this appeal.³

Therefore,

IT IS ORDERED that the order of the circuit court 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

³ In light of this resolution, we need not discuss whether Adames’s postconviction motion was properly denied based on the procedural bar. *See Gross v. Hoffman*, 227 Wis. 296, 300, 277 N.W. 663 (1938) (stating that only dispositive issues need be addressed).