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**DISTRICT IV**

May 29, 2026

To:

Hon. Ellen K. Berz  
Circuit Court Judge  
Electronic Notice

Anne Christenson Murphy  
Electronic Notice

Jeff Okazaki  
Clerk of Circuit Court  
Dane County Courthouse  
Electronic Notice

Luis A. Estrada-Jimenez 510266  
Stanley Correctional Institution  
100 Corrections Dr.  
Stanley, WI 54768

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

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2025AP1779

State of Wisconsin v. Luis A. Estrada-Jimenez  
(L.C. # 2005CF2616)

Before Blanchard, Kloppenburg, 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).**

Luis Estrada-Jimenez appeals the circuit court's denial of his postconviction motion for additional sentence credit without holding a hearing. Based on 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).<sup>1</sup> Estrada-Jimenez's motion contends that his trial counsel was constitutionally ineffective at his 2007 sentencing by failing to secure a stipulation that Estrada-Jimenez was entitled to two years of sentence credit. Because we conclude that this motion is procedurally barred, we affirm.

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

Estrada-Jiminez was convicted of first-degree intentional homicide in 2007 and sentenced to life in prison with eligibility for release to extended supervision after twenty-two years. The circuit court at sentencing noted that it did not have a sentence credit computation. The prosecution acknowledged that credit should be granted for the time that Estrada-Jiminez was confined since his arrest in Puerto Rico. The court suggested that the parties attempt to stipulate to an amount of sentence credit and said that the court would conduct a hearing to resolve the issue if the parties were unable to do so. No stipulation was entered, and no hearing was conducted.

Estrada-Jiminez has challenged various aspects of his case and had multiple appeals since 2007. He filed a postconviction motion for a new trial in 2008, which was denied by the circuit court after an evidentiary hearing. This court affirmed his conviction and the order denying that postconviction motion. *State v. Estrada-Jiminez*, No. 2008AP2768-CR, unpublished slip op. (WI App Nov. 19, 2009). In 2010, Estrada-Jiminez filed a motion pursuant to WIS. STAT. § 974.06 alleging, among other things, that his postconviction and appellate counsel was ineffective for failing to raise the issue of trial counsel's alleged ineffectiveness. The circuit court denied that motion after a hearing at which postconviction and appellate counsel testified, and this court summarily affirmed. *State v. Estrada-Jiminez*, No. 2011AP2866, unpublished op. and order (WI App Mar. 21, 2013).

Next, in 2021, Estrada-Jiminez filed a motion pursuant to WIS. STAT. § 973.155, a statute that specifically addresses sentence credit, seeking two years (730 days) of sentence credit for the time he spent confined while awaiting trial in this case. The State agreed that sentence credit had not been determined, and requested a hearing for the parties to present evidence regarding the appropriate amount of credit. At that hearing, the State produced an extradition waiver

signed by Estrada-Jiminez on December 5, 2005, in Puerto Rico. Estrada-Jiminez did not produce evidence of incarceration earlier than that date, and the circuit court amended the judgment of conviction to include credit from December 5, 2005, to the date of sentencing—542 days.

In May 2025, Estrada-Jiminez filed the motion underlying this appeal, again pursuant to WIS. STAT. § 974.06. He alleged that his trial counsel was ineffective in failing to secure a stipulation for two years of sentence credit. He asserted that this failure resulted in a sentence of 188 additional days, which would be the difference between the two years to which he asserted he would have been entitled with a stipulation and the 542 days granted by the circuit court as a result of his 2021 motion. The circuit court denied the motion without a hearing, determining that “[t]he issue of sentence credit already has been reviewed and decided by [the circuit court] as well as the Court of Appeals” and that the claim of ineffective assistance of counsel at sentencing “could have been previously raised.” Estrada-Jiminez appeals.

Whether the record conclusively demonstrates that a defendant is not entitled to the relief sought in a postconviction motion presents an issue of law that this court reviews de novo. *State v. Sull*, 2016 WI 46, ¶23, 369 Wis. 2d 225, 880 N.W.2d 659. If the record conclusively shows that a defendant is not entitled to relief, we review a circuit court’s decision to deny the motion without a hearing under the erroneous exercise of discretion standard. *Id.* “A circuit court properly exercises its discretion when it has examined the relevant facts, applied the proper legal standards, and engaged in a rational decision-making process.” *Id.* (quoting *State v. Bentley*, 201 Wis. 2d 303, 318, 548 N.W.2d 50 (1996)).

Here, the record conclusively shows that the claim brought in Estrada-Jiminez’s 2025 postconviction motion was procedurally barred. WISCONSIN STAT. § 974.06(4) provides that

“[a]ll grounds for relief available to a person under this section must be raised in his or her original, supplemental or amended motion.” Any “constitutional claims which could have been raised on direct appeal or in a [WIS. STAT. §] 974.02 motion cannot later be the basis for a sec. 974.06 motion.” *State v. Escalona-Naranjo*, 185 Wis.2d 168, 185, 517 N.W.2d 157 (1994). If the defendant raises a claim in a subsequent postconviction motion, the defendant bears the burden of showing a sufficient reason why the claim was not raised previously; failure to meet this burden results in the claim being procedurally barred. *Id.* at 184-85.

Estrada-Jiminez did not offer any explanation in his May 2025 motion for his failure to raise a claim of ineffective assistance of trial counsel in an earlier postconviction motion or on direct appeal. The absence of an explanation creates a procedural bar. *See id.* Therefore, the circuit court did not erroneously exercise its discretion in denying a hearing on the motion. *See Sull*a, 369 Wis. 2d 225, ¶23. The order denying the motion is affirmed.

IT IS ORDERED that the order of the circuit court is 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*