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**DISTRICT I**

November 10, 2026

*To*:

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Circuit Court Judge
Electronic Notice

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

Alexander Schmidt
Electronic Notice

Rahim Abdul Jackson 326501
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Stanley, WI 54768

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

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2025AP781 State of Wisconsin v. Rahim Abdul Jackson (L.C. # 2005CF6366)

Before Donald, C.J., Colón, P.J., and Geenen, J.

**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).**

Rahim Abdul Jackson, pro se, appeals the orders denying his WIS. STAT. § 974.06 (2023-24) motion and the reconsideration motion that followed.[1] Based upon our review of the briefs and the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1). We affirm.

This is not Jackson's first challenge to his 2006 convictions. He has been before this court twice before, both on direct appeal where he was represented by counsel, *see* ***State v.***

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

***Jackson*** (***Jackson I***), No. 2008AP651-CR, unpublished slip op. (WI App Feb. 3, 2009), and in a collateral appeal where he proceeded pro se, *see* ***State v. Jackson*** (***Jackson II***), No. 2010AP2097, unpublished slip op. (WI App Oct. 25, 2011).

A jury found Jackson guilty of five counts of armed robbery with threat of force as a party to a crime for incidents that occurred in October of 2005. At the sentencing hearing, the State provided the circuit court with victim impact statements from three individuals—M.B., T.L., and D.H.—and asked that the court order Jackson to pay restitution to those individuals. The circuit court ultimately sentenced Jackson to thirty-five years of imprisonment and ordered him to pay the requested restitution.[2]

In ***Jackson I***, Jackson appealed from the judgment. He also appealed from an order denying his postconviction motion alleging ineffective assistance of counsel. Jackson argued: "(1) his trial counsel provided ineffective assistance by failing to call two alibi witnesses; and (2) he [was] entitled to a new trial in the interests of justice." ***Jackson I***, No. 2008AP651-CR, ¶1. We rejected his contentions and affirmed. ***Id.*** The Wisconsin Supreme Court denied review.[3]

Next, Jackson, pro se, filed a WIS. STAT. § 974.06 motion and argued that his postconviction counsel was ineffective. The circuit court denied the motion, and Jackson appealed the decision in ***Jackson II***. He argued:

[2] Specifically, the circuit court ordered Jackson to pay restitution of $200 to M.B., $25 to T.L., and $2,188 to D.H.

[3] Bradley, J., dissenting.

> his postconviction counsel was ineffective: (1) because he failed to raise trial counsel's ineffectiveness in questioning [co-defendant] Paul Bates about promises made in exchange for Bates's testimony against Jackson; (2) because he failed to raise trial counsel's ineffectiveness for failing to interview and call [co-defendant] Patrick Reed as a defense witness; and (3) because he failed to argue that Jackson was denied due process by the prosecutor's misrepresentations of evidence and of the plea agreement with Bates. In addition, Jackson argues that there is newly discovered evidence, which necessitates a new trial.

***Jackson II***, No. 2010AP2097, ¶1. We disagreed and affirmed. ***Id.*** The Wisconsin Supreme court denied review.

More than a decade later, in 2023, Jackson, pro se, filed a postconviction motion arguing that the three individuals to whom he was ordered to pay restitution were not the victims of the crimes for which he was convicted. The State did not dispute the error, and the circuit court amended Jackson's judgment of conviction to vacate his restitution obligations.[4]

In 2024, Jackson, pro se, filed the WIS. STAT. § 974.06 motion underlying this appeal. Jackson argued that his right to due process and to the effective assistance of counsel were violated by the prosecutor's misconduct in referencing the individuals who were said to be victims and in introducing their victim impact statements for the circuit court's consideration. Jackson argued that trial counsel was ineffective for failing to object and postconviction counsel was ineffective for failing to challenge trial counsel's performance in this regard.[5] According to

[4] Although these three individuals were not the victims of the armed robberies for which Jackson ultimately was convicted, they were named in the criminal complaint as victims of the string of robberies that Jackson and his co-defendants were charged with committing.

[5] Jackson's motion also argued that the circuit court violated due process by intentionally or negligently failing to correct the prosecutor's reference to the additional victims. However, Jackson abandons this claim on appeal and focuses only on the ineffective assistance of counsel claim and the prosecutorial misconduct claim.

Jackson, the information presented in support of his claims was not available when he filed his first § 974.06 motion.[6]

The circuit court denied Jackson's motion without an evidentiary hearing, concluding that Jackson's claims were procedurally barred because he could have raised them in his previous pro se postconviction motion. Jackson sought reconsideration, and in his motion, he asserted:

> Specifically, the prosecution introduced (3) additional persons as victims. None of whom were related to the criminal case. The prosecution went as far as to seek restitution and reading fabricated victim impact statements for these alleged victims. Trial counsel appeared oblivious to this fact failing to correct the prosecution or alert this Court. This Court accepted the prosecution's reliance of persons who were not victims and awarded restitution without question. Restitution which was ultimately collected.
>
> *Jackson, unfamiliar with the law, questioned trial counsel as to these unfamiliar persons being victims during the sentencing proceeding as well as postconviction counsel on direct appeal. Both trial and postconviction counsel advised Jackson the prosecutor was within his authority to introduce these persons as victims.*
>
> Having filed a direct appeal (represented by counsel) and a collateral appeal pro se (in neither were these issues presented before any court)[,] Jackson learned the prosecutor could NOT rely upon persons unrelated to the criminal charges convicted for the specific reason of seeking restitution and an extended sentence. With this knowledge, Jackson sought relief from the restitution order, believing this Court would provide a re-sentencing. This Court ordered the prosecution to answer the allegation. The prosecution AGREED with Jackson, and this Court vacated the restitution as part of the judgment of conviction, but did not order a re-sentencing.

[6] In the underlying motion, however, Jackson asserted that trial counsel failed to appropriately respond when Jackson questioned the individuals identified as victims. He writes: "[D]efense counsel, when pressed by Jackson as to why these persons were introduced as victims when Jackson did not recognize these names was met with silence and stoic affect."

(Emphasis added; citations to the accompanying appendix omitted.)

In denying reconsideration, the circuit court relied on the above quoted language as proof that Jackson was aware of the issue at the time of trial and during the prior postconviction proceedings and therefore could have raised it earlier. The court further explained that Jackson's lack of knowledge as to the legal issues did not constitute a sufficient reason to evade WIS. STAT. § 974.06(4)'s procedural bar. This appeal follows.

Jackson renews his postconviction claims. Additionally, for the first time on appeal, Jackson argues that his motion should have been liberally construed as a request for sentence modification.

Absent a sufficient reason, a defendant is procedurally barred from raising claims in a WIS. STAT. § 974.06 postconviction motion that could have been raised in a prior postconviction motion or appeal. *See* ***State v. Escalona-Naranjo***, 185 Wis. 2d 168, 181-82, 185-86, 517 N.W.2d 157 (1994). Whether a § 974.06 motion alleges the requisite sufficient reason for failing to bring available claims earlier is a question of law that this court independently reviews. *See* ***State v. Romero-Georgana***, 2014 WI 83, ¶30, 360 Wis. 2d 522, 849 N.W.2d 668. We determine the sufficiency of a defendant's reason for circumventing ***Escalona-Naranjo***'s procedural bar by examining the "four corners" of the underlying postconviction motion. *See* ***State v. Allen***, 2004 WI 106, ¶27, 274 Wis. 2d 568, 682 N.W.2d 433.

"The purpose of WIS. STAT. § 974.06(4) is to require criminal defendants to consolidate all their postconviction claims into one motion or appeal." ***State v. Kletzien***, 2011 WI App 22, ¶12, 331 Wis. 2d 640, 794 N.W.2d 920. "Successive motions and appeals, which all could have

been brought at the same time, run counter to the design and purpose of the legislation." ***Escalona-Naranjo***, 185 Wis. 2d at 185.

Although Jackson alleged several reasons why he did not raise his claims earlier, none are sufficient to clear the procedural bar. First, Jackson alleged that he did not raise his current claims earlier because he was provided ineffective assistance of trial and postconviction counsel. In an effort to explain why he did not raise the claims when he filed his previous pro se WIS. STAT. § 974.06 motion, Jackson submits that "the information presented in support of these claims was not available at the time of Jackson's first pro se collateral attack."

Jackson indicates that he did not raise his current claims earlier because he did not know that the references to the additional victims at the sentencing hearing were improper. However, Jackson made clear in both the underlying WIS. STAT. § 974.06 motion and in his reconsideration motion that he was aware of this issue at the time of sentencing proceedings and questioned trial counsel, and later, postconviction counsel, about the State's references to the "unfamiliar" victims. Even if Jackson did not definitively know whether those victims were accurately identified as such, this did not prevent him from raising the issue in his first pro se postconviction motion.

Additionally, Jackson suggested that he could not raise his current claims earlier because they were "premised" on the circuit court's order vacating his restitution obligations. According to Jackson, his claims were "not … ripe for review" until after the court entered this order.

A claim is not ripe for adjudication if "the resolution of [the] claim depends on hypothetical or future facts[.]" ***State v. Armstead***, 220 Wis. 2d 626, 631, 583 N.W.2d 444 (Ct. App. 1998). Here, Jackson's claims were not premised on hypothetical or future facts. When he

filed his first pro se motion, he had access to the record, which included the sentencing hearing transcript, and he was aware that the references to the victims might have been incorrect. If he had raised his current constitutional claims in that motion, the circuit court could have ruled on them even though his restitution order had not been vacated. Again, while Jackson might not have definitively known whether the victims were correctly identified as such, that does not mean that the court was unable to address his constitutional claims.

Lastly, Jackson argues on appeal that, even if his claims are procedurally barred, this court may still address those issues in its discretion. He contends that this court's decision in ***State v. Crockett***, 2001 WI App 235, 248 Wis. 2d 120, 635 N.W.2d 673, held that the WIS. STAT. § 974.06(4) procedural bar is discretionary. This assertion is incorrect because ***Crockett*** merely held that this court may apply the procedural bar to a defendant's claim even if the State forfeited that argument by not raising it in the circuit court. ***Crockett***, 248 Wis. 2d 120, ¶¶1, 9. ***Crockett*** went on to make clear that the overarching rationale behind requiring defendants to consolidate all postconviction claims in the first motion or appeal was primarily a "concern[] with wasting *judicial* resources. These resources will be wasted when successive motions are allowed regardless whether or not the State chooses to press the [forfeiture] issue." ***Id.***, ¶9. ***Crockett*** does not permit Jackson to circumvent the procedural bar.

We further conclude that Jackson forfeited his plain error and sentence modification claims by failing to raise them below. *See* ***State v. Bodoh***, 226 Wis. 2d 718, 737, 595 N.W.2d 330 (1999) ("It is the often-repeated rule in this State that issues not raised or considered in the [circuit] court will not be considered for the first time on appeal." (citation omitted)). In an effort to avoid this outcome, Jackson argues that the circuit court erred when it failed to liberally construe his motion, but we are not convinced. While courts are obliged to liberally construe

pleadings of pro se prisoners to analyze the relief sought, as opposed to limiting the analysis to the pleading's label, *see* ***bin-Rilla v. Israel***, 113 Wis. 2d 514, 520-21, 335 N.W.2d 384 (1983), they need not and should not develop arguments for pro se litigants or give pro se litigants a free pass to ignore proper procedure. Here, Jackson never mentioned plain error or sentence modification in either his original motion or his motion for reconsideration. The circuit court was not required to develop Jackson's arguments for him. *See generally* ***Romero-Georgana***, 360 Wis. 2d 522, ¶69 ("A reviewing court might avert its eyes from the flaws on the peripheries, but it will not ignore obvious insufficiencies at the center of a motion.").

Therefore,

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.

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*Samuel A. Christensen*
*Clerk of Court of Appeals*