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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  
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**DISTRICT II**

November 6, 2024

To:

Hon. Eugene A. Gasiorkiewicz  
Circuit Court Judge  
Electronic Notice

Jacob J. Wittwer  
Electronic Notice

Amy Vanderhoef  
Clerk of Circuit Court  
Racine County Courthouse  
Electronic Notice

Cristian M. Loga-Negru #647656  
Racine Correctional Inst.  
P.O. Box 900  
Sturtevant, WI 53177-0900

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

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2023AP1532

State of Wisconsin v. Cristian M. Loga-Negru  
(L.C. #2014CF1626)

Before Gundrum, P.J., Neubauer and Grogan, 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).**

Cristian M. Loga-Negru appeals pro se from an order denying his postconviction motions. 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 (2021-22).<sup>1</sup> We affirm.

Loga-Negru was convicted of first-degree intentional homicide and sentenced to life imprisonment with the possibility of release to supervision in thirty years. After sentencing,

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Loga-Negru proceeded pro se and filed several postconviction motions. He filed a direct appeal pro se and raised multiple claims, including: (1) a challenge relating to his competency; (2) that he received ineffective assistance of counsel; (3) that he had the right to counsel; (4) there was an alleged *Brady v. Maryland*, 373 U.S. 83 (1963) violation; (5) he is entitled to plea withdrawal; and (6) the prosecutor engaged in misconduct. We rejected all of his claims in a July 2021 per curiam opinion. See *State v. Loga-Negru*, No. 2019AP1023-CR, unpublished slip op. (WI App July 14, 2021).

Between September 2022 and February 2023, Loga-Negru filed a number of WIS. STAT. § 974.06 postconviction motions, all of which were denied by the circuit court. In September 2022, he filed a postconviction motion in which he argued: (1) the criminal complaint lacked sufficient allegations to confer jurisdiction over him; and (2) the circuit court lost jurisdiction over him by failing to hold a timely bail hearing. In November 2022, Loga-Negru filed a motion to withdraw his plea based on newly discovered evidence and ineffective assistance of counsel. He claimed: (1) his postconviction counsel, who withdrew at Loga-Negru's request because Loga-Negru wanted to proceed pro se, provided ineffective assistance for failing to conduct a sufficient investigation; and (2) newly discovered evidence about statements from the victim's co-workers about the victim being fearful of Loga-Negru was exculpatory. In December 2022, Loga-Negru filed a motion in the circuit court requesting DNA testing of the hatchet used in the homicide. In January 2023, Loga-Negru filed a motion asking the court to reconsider its order denying his motion seeking plea withdrawal. In February 2023, Loga-Negru filed a motion in the circuit court seeking postconviction discovery related to the victim's business dealings and finances. We affirmed the circuit court's orders denying these motions. *State v. Loga-Negru*, No. 2023AP111-CR, unpublished slip op. and order (WI App Apr. 24, 2024).

At issue here are two additional motions. In July 2023, Loga-Negru filed a “Motion to Invalidate the Preliminary Hearing Decision” in the circuit court. In August 2023, Loga-Negru filed a “Demand for Discovery Inspection Witness Cross-examination” seeking a list of evidence from the district attorney’s office. The circuit court denied both motions, giving as one reason the procedural bar based on *State v. Escalona-Naranjo*, 185 Wis.2d 168, 517 N.W.2d 157 (1994).

Loga-Negru now appeals the denial of these two motions. His pro se motions and appeal briefs are difficult to decipher. His main points on appeal seem to be that he received ineffective assistance of counsel at his preliminary hearing and sentencing hearing. The State responds that Loga-Negru’s claims are all procedurally barred by *Escalona-Naranjo*, are insufficiently developed, or have been forfeited. We agree with the State.

“We need finality in our litigation.” *Id.* at 185. Therefore, any claim that could have been raised in a prior postconviction motion or on direct appeal cannot form the basis for a subsequent motion under WIS. STAT. § 974.06 unless the defendant demonstrates a sufficient reason for failing to raise the claim earlier. *Escalona-Naranjo*, 185 Wis.2d at 185. Furthermore, the defendant may not relitigate a matter previously litigated “no matter how artfully the defendant may rephrase the issue.” *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991).

Whether a defendant’s claim is procedurally barred and whether a sufficient reason exists for the failure to previously assert the claim present questions of law we review de novo. *State v. Kletzien*, 2011 WI App 22, ¶¶9, 16, 331 Wis. 2d 640, 794 N.W.2d 920.

Applying these principles to the case at hand, we conclude that Loga-Negru’s latest postconviction motions are procedurally barred. Loga-Negru raises claims in his postconviction motions that he either already raised or could have raised previously. As noted, we previously rejected Loga-Negru’s claims of ineffective assistance of counsel in our 2021 per curiam opinion and the 2024 summary opinion and order.

To the extent Loga-Negru asserts different claims from those previously raised, he is required to allege a sufficient reason why he did not raise these claims in his prior appeals. *See Escalona-Naranjo*, 185 Wis. 2d at 185. Loga-Negru’s motions, however, fail to assert any reason, let alone a sufficient reason, for failing to raise these claims earlier.

Moreover, Loga-Negru’s appeal brief makes incoherent arguments that are not adequately developed and fails to apply the legal authorities he cites to the facts of the case. Appellate rules require arguments to be supported by “citations to the authorities, statutes and parts of the record relied on.” WIS. STAT. RULE 809.19(1)(e) Although Loga-Negru is representing himself in this appeal, his briefs must still comply with these procedural requirements. *See Waushara County v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992). It is not our responsibility to develop arguments for a party, and we are not required to address arguments that are undeveloped or not supported by citations to the record. *See Doe I v. Madison Metro. Sch. Dist.*, 2022 WI 65, ¶35, 403 Wis. 2d 369, 976 N.W.2d 584 (appellate courts “do not step out of our neutral role to develop or construct arguments for parties” (citation omitted)); *Madely v. RadioShack Corp.*, 2007 WI App 244, ¶14 n.7, 306 Wis. 2d 312, 742

N.W.2d 559 (“[W]e have no duty to scour the record to review arguments unaccompanied by adequate record citations.”).<sup>2</sup>

Therefore,

IT IS ORDERED that the order of the circuit court is summarily affirmed pursuant to 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*

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<sup>2</sup> We further note that Loga-Negru forfeited all nonjurisdictional claims when he entered his no-contest plea. See *State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886 (stating the guilty plea waiver rule); *State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53 (“[A] ... no contest plea waives all nonjurisdictional defects and defenses.”). And, as the State points out, Loga-Negru abandoned the two jurisdictional claims he raised in the circuit court by failing to raise them in his opening brief. See *A.O. Smith Corp. v. Allstate Ins. Cos.*, 222 Wis. 2d 475, 493, 588 N.W.2d 285 (Ct. App. 1998).