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**DISTRICT I**

September 30, 2025

To:

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Circuit Court Judge  
Electronic Notice

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Electronic Notice

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

Robert Lewis Flynn  
Electronic Notice

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

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2024AP1087

State of Wisconsin v. Robert Lewis Flynn (L.C. # 1992CF920899)

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).**

Robert Lewis Flynn appeals from an order denying his WIS. STAT. § 974.06 (2023-24)<sup>1</sup> motion for postconviction relief. 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. We affirm.

The procedural history of this case is lengthy. As relevant to this appeal, in November 1992, Flynn pled guilty to escape in Milwaukee County Circuit Court Case No. 1992CF920899

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

(“the escape case”). The circuit court imposed and stayed a sentence of four years in favor of a five-year probation term, to run consecutively to the 38-year sentence it imposed for two counts of armed robbery in Milwaukee County Circuit Court Case No. 1992CF920612 (“the robbery case”).

In early 2003, the circuit court modified Flynn’s sentence on the armed robbery counts to a total of up to 28 and one-half years of imprisonment. In January 2022, Flynn was discharged from his armed robbery sentences and began serving his five-year term of probation on the escape conviction. Flynn moved to Indiana, where he was arrested on April 15, 2022, for a probation violation and was subsequently extradited to Wisconsin. Flynn’s probation was revoked.

In June 2022, Flynn filed a pro se WIS. STAT. § 974.06 motion in the escape case, asking the circuit court to “vacate, set aside, or correct the sentence” on the grounds that his plea was not knowing, intelligent, or voluntary. He argued that neither trial counsel nor the court informed him that he could be sent back to prison for four years for violating a condition of probation. He also argued that he had a “very good defense” to the escape charge in that he factually only attempted an escape, and that the sentence modification issued in the armed robbery case somehow amended his consecutive sentence in the escape case to a concurrent sentence. The circuit court denied the motion. Flynn appealed the circuit court’s decision, but moved to voluntarily dismiss the appeal. We granted Flynn’s motion for voluntary dismissal.

In August, September, and October of 2022, Flynn filed multiple pro se motions for sentence modification. The circuit court denied the motions in two orders. Flynn appealed one

of the orders, but again moved to voluntarily dismiss the appeal. We granted the motion for voluntary dismissal.

Flynn then filed his second<sup>2</sup> pro se *Knight* petition with this court, arguing that his postconviction attorney in the armed robbery case was ineffective for failing to also file a postconviction motion in the escape case. See *State v. Knight*, 168 Wis. 2d 509, 484 N.W.2d 540 (1992). We denied the petition.

In April 2024, Flynn filed a second pro se WIS. STAT. § 974.06 motion again arguing that his plea was not knowing, intelligent, or voluntary because he was not told that the circuit court was required to impose a consecutive sentence for his escape conviction pursuant to WIS. STAT. § 946.42(4) (1991-92), and that he was not informed of the elements of the offense. The circuit court denied the motion, finding that Flynn’s claims were procedurally barred. This appeal follows.

A circuit court has discretion to deny a postconviction motion without a hearing if the defendant’s claim is procedurally barred. See *State v. Romero-Georgana*, 2014 WI 83, ¶71, 360 Wis. 2d 522, 849 N.W.2d 668. Whether a defendant’s claim is procedurally barred presents a question of law that we review de novo. *State ex rel. Washington v. State*, 2012 WI App 74, ¶27, 343 Wis. 2d 434, 819 N.W.2d 305.

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<sup>2</sup> Flynn filed his first pro se petition for habeas corpus with this court in 1993. We restored his direct appeal rights in the robbery case after concluding that the record did not show that he knowingly, intelligently, and voluntarily waived his right to postconviction/appellate counsel. See *State ex rel. Flynn v. O’Dell*, No. 2003AP1522-W, unpublished op. and order (WI App Aug. 1, 2003). Flynn did not mention the escape case in this *Knight* petition. See *State v. Knight*, 168 Wis. 2d 509, 484 N.W.2d 540 (1992).

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. Sec. 974.06(4); *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 181-82, 184-86, 517 N.W.2d 157 (1994). Whether a sufficient reason is stated is a question of law subject to de novo review. *Romero-Georgana*, 360 Wis. 2d 522, ¶30.

As best as this court can discern, Flynn renews his argument that he is entitled to plea withdrawal because he did not understand his potential sentence or the elements of the offense. We conclude that his claims are procedurally barred. Flynn fails to coherently explain why these arguments were not raised in his first postconviction motion. To the extent Flynn’s claims were actually raised in his first postconviction motion, we conclude that those issues have been previously litigated and “[a] matter once litigated may not be relitigated in a subsequent postconviction proceeding 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). To the extent Flynn raised arguments not addressed in this decision, we conclude that our resolution of the issues discussed are dispositive of his appeal. See *State v. Blalock*, 150 Wis. 2d 688, 703, 442 N.W.2d 514 (Ct. App. 1989).

Accordingly, we affirm the order denying Flynn’s motion for postconviction relief.

IT IS ORDERED that the order 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*