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DISTRICT II

February 4, 2026

To:

Hon. Gerald P. Ptacek
Reserve Judge

Lisa E.F. Kumfer
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Joachim E. Dressler, #230174
Waupun Correctional Institution
P.O. Box 351
Waupun, WI 53963-0351

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

2024AP746-CR

State of Wisconsin v. Joachim E. Dressler (L.C. #1990CF584)

Before Neubauer, P.J., Gundrum, and Lazar, 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).

Joachim E. Dressler appeals from an order of the circuit court denying his postconviction motions “[f]or a stay, injunction, and hearing.” (Formatting altered.) 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

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

BACKGROUND

In 1991, a jury convicted Dressler of first-degree intentional homicide in connection with the torture, murder, and dismemberment of a young man. *State v. Dressler*, No. 92-2049-CR, unpublished slip op. at 1 (WI App Nov. 17, 1993). During the preceding investigation, police conducted searches of Dressler’s home, cars, and property and recovered, among other things, “videotapes, photographs and magazines depicting actual murders, mutilation, homosexual acts and other pornography.” *Id.* At trial, the State proceeded with a “homosexual overkill” theory of homicide, and the circuit court admitted these materials as “other acts” evidence to show Dressler’s motive and identity. *Id.* at 2-5.

Dressler appealed the circuit court’s admission of the materials as other acts evidence and we affirmed, concluding they constituted circumstantial evidence relevant to the State’s theory of the case. *Id.* at 5. Dressler also argued that the court should have suppressed the materials as fruits of an unlawful search and seizure, contending the search warrant was not supported by probable cause. *Id.* at 6. We rejected Dressler’s arguments. *Id.* We did not consider Dressler’s argument that the First Amendment prohibited admission of the materials because we determined it was not preserved for appeal. We affirmed Dressler’s conviction and sentence of life imprisonment without the possibility of parole. *Id.* at 7-15. Dressler’s petition for review in our state supreme court and his petition for a writ of certiorari to the United States Supreme Court were both denied. See *State v. Dressler*, No. 2004AP1497, unpublished slip op., ¶3 (WI App Mar. 8, 2006).

Thereafter, Dressler filed a petition for a writ of habeas corpus in federal court in which “[h]e asserted eight grounds for relief, including claims that admission of the State’s

‘homosexual overkill’ theory violated his First, Fifth and Fourteenth Amendment rights and that his possession of materials seized at his home was protected by the First Amendment.” *Id.*, ¶3. The district court denied Dressler’s petition, and Dressler appealed. *Id.* On appeal, the Seventh Circuit Court of Appeals addressed only Dressler’s First Amendment claim. *See Dressler v. McCaughtry*, 238 F.3d 908, 912 (2001). After concluding we had erroneously determined that Dressler had failed to present his First Amendment claim to the circuit court, the court rejected the claim on its merits. *Id.* at 915-16.

In 2004, Dressler filed a postconviction motion challenging on First Amendment grounds the admission of evidence obtained pursuant to the search of his home and the seizure of the aforementioned materials. After a non-evidentiary hearing on that motion, the circuit court entered an order denying Dressler’s motion, concluding Dressler’s First Amendment claims had already been litigated and his other claims did not warrant relief. Dressler appealed, and this court affirmed, concluding that because Dressler’s claim that admission of the materials violated his constitutional rights was rejected in his petition for a writ of habeas corpus filed in federal court, “[t]he federal court’s holding is law of the case and Dressler may not relitigate claims that the material should not have been used as evidence at trial.” *Dressler*, No. 2004AP1497, ¶8. This court declined the State’s request to impose sanctions on Dressler for repetitive litigation, but advised Dressler to “take heed that his belief that his possession of First Amendment protected materials insulates those materials from being used as evidence has been fully litigated and found to be, at every turn, without merit,” and cautioned that “[f]uture pursuance of any claim based on the use of those materials ... at trial would be frivolous and will garner appropriate sanctions.” *Id.*, ¶13. Dressler’s petition for review of that decision was denied by our state supreme court.

Undeterred, Dressler subsequently filed a motion in circuit court “to Vacate Void Judgments; Compel *Freedman v. Maryland*^[2] Prior Restraint Compliance; and to Apply Retroactive Authority” in which he again asserted “Orders Admitting First Amendment-Protected Expressive Materials, Or State-Alleged Homosexuality Into Evidence In A Trial Are Void And Lack Subject-Matter Jurisdiction” and that the search and seizure of those materials violated the First Amendment. The circuit court denied the motion as previously litigated. Dressler initiated an appeal of that denial in this court before attempting to remove the case to federal court under 28 U.S.C. § 1443. *Dressler v. Ptacek*, No. 07-CV-289, 2007 WL 8043081, *1 (E.D. Wis. June 11, 2007). The federal district court determined Dressler did not satisfy the requirements for removal under § 1443 and denied his petition. *Id.*, *3. Dressler then moved to amend that judgment, which the court also denied. *Dressler v. Ptacek*, No. 07-CV-289, 2008 WL 168664 (E.D. Wis. Jan. 17, 2008).

In 2009, Dressler filed a petition under 42 U.S.C. § 1983. The federal district court concluded Dressler’s claims were barred by res judicata and collateral estoppel and dismissed the complaint with prejudice. *Dressler v. Doyle*, No. 09-CV-387, 2009 WL 10677613 (E.D. Wis. Sept. 4, 2009). He moved to amend the judgment on the same grounds, and the court also denied this motion. *Dressler v. Doyle*, No. 09-CV-387, 2010 WL 11531137 (E.D. Wis. Mar. 18, 2010). Dressler appealed, and the Seventh Circuit Court of Appeals affirmed, determining his claim was “patently frivolous.” *Dressler v. Walker*, 409 Fed. Appx. 947, 949 (7th Cir. 2011). The United States Supreme Court denied his subsequent petition for certiorari. *Dressler v. Walker*, 565 U.S. 834 (2011).

² 380 U.S. 51 (1965).

Then, in June 2018, Dressler petitioned this court for a writ of mandamus ordering the circuit court to grant him “a stay” and to “convene an adversary hearing and immediate appellate review.” *Dressler v. Circuit Court for Racine County*, 2018AP1030-W, unpublished op. and order (WI App June 12, 2018). We denied the petition *ex parte* and advised Dressler that his First Amendment claims were barred. *Id.* Dressler then petitioned the Wisconsin Supreme Court for review and the United States Supreme Court for certiorari. Both petitions were denied.

In November 2019, Dressler filed a civil complaint in Dane County Circuit Court against the attorney general, the judge who presided over his trial, the judge who signed the search warrant for his home, and the Racine County district attorney, seeking a restraining order against them and a declaratory judgment and asserting the same grounds for relief as in his prior filings. The court dismissed the complaint for failure to state a claim and on the ground of issue preclusion. Dressler appealed, and this court summarily affirmed. *Dressler v. Kaul*, No. 2020AP1870, unpublished op. and order (WI App June 16, 2022). Our state supreme court denied review of that order.

This brings us to the instant proceedings. On January 26, 2024, and then on February 12, 2024, Dressler filed motions in the Racine County Circuit Court “[f]or a stay, injunction, and hearing,” raising the same First Amendment arguments. (Formatting altered.) The court denied the motions, concluding there was nothing to “stay” and that Dressler’s arguments had been raised and denied repeatedly. Dressler appeals.

DISCUSSION

Whether a claim is procedurally barred “is a question of law which we review de novo.” *State v. Tillman*, 2005 WI App 71, ¶14, 281 Wis. 2d 157, 696 N.W.2d 574. “Frivolous actions

hinder a court’s ability to function efficiently and effectively,” and this court has the “inherent power to ensure” efficacy and “the fair administration of justice” through “prohibiting future filings related to the same issues.” *State v. Casteel*, 2001 WI App 188, ¶23, 247 Wis. 2d 451, 634 N.W.2d 338 (citations omitted). “We need finality in our litigation.” *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994).

While Dressler styles his motion as one for a “stay” and “injunction,” his filing is plainly intended as yet another attempt to litigate his First Amendment claims concerning the admission of violent and pornographic materials as other acts evidence in his homicide trial. “[T]he nature of the motion and order denying it must be determined from its substance, and not from the label the defendant chose to apply.” *Buckley v. Park Bldg. Corp.*, 27 Wis. 2d 425, 431, 134 N.W.2d 666 (1965). His motion asserts the same “*Freedman* Compliance” and “Prior Restraint” arguments he has repeatedly litigated for three decades and that were denied by the Seventh Circuit Court of Appeals on the merits in 2001. *Dressler*, 238 F.3d at 913-15.

Despite his request for a “stay” and “injunction,” it is clear Dressler is seeking relief from his judgment of conviction on constitutional grounds pursuant to WIS. STAT. § 974.06. However, § 974.06(4) requires a defendant to raise “[a]ll grounds for relief available to a person ... in his or her original, supplemental, or amended motion,” and “[a]ny ground finally adjudicated or not so raised ... may not be the basis for a subsequent motion.” Dressler cannot raise his First Amendment claims as they have been finally adjudicated, and he offers no explanation of how these claims differ from those previously litigated.

Finally, the State argues that Dressler should be sanctioned for “frivolous litigation,” which it maintains amounts to “an abuse of the court system.” We agree. This court has rejected

Dressler’s First Amendment claims repeatedly and warned him that continuing to pursue them would result in sanctions. *Dressler*, No. 2004AP1497, ¶14. Nevertheless, Dressler “fails to understand that he does not have an unlimited right to file successive appeals for relief.” *Casteel*, 247 Wis. 2d 451, ¶20 (citation omitted). Consequently, Dressler is prohibited from making further filings unless he first submits an affidavit attesting to the existence of novel grounds upon which those filings are based and explaining why any newly presented claims are not barred by *Escalona-Naranjo*. See *Escalona-Naranjo*, 185 Wis. 2d at 184-86. He must also first pay any associated filing fees.

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.

Samuel A. Christensen
Clerk of Court of Appeals