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DISTRICT II

May 6, 2026

To:

Hon. Bridget Schoenborn
Circuit Court Judge
Electronic Notice

John D. Flynn
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Darren R. Reiner
Electronic Notice

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

2025AP1561

State of Wisconsin v. Darren R. Reiner (L.C. #2021CF499)

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).

Darren R. Reiner appeals from orders of the circuit court denying his “Petition for Postconviction Relief” and his motion to reconsider. (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 For the following reasons, we affirm.

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

In 2023, Reiner was convicted after a jury trial of operating with a prohibited alcohol concentration as a fourth offense. The circuit court imposed and stayed a sentence of two years of initial confinement and two years of extended supervision and placed him on three years of probation with eight months of conditional jail time. Reiner filed a “Petition for Sentence Adjustment,” and, after the court denied that petition, filed a “Petition for Sentence Adjustment and Motion for Postconviction Relief and/or Appeal Hearing,” which the court also denied. (Formatting altered.)

In a direct appeal from his conviction, Reiner complained, citing *Brady v. Maryland*, 373 U.S. 83 (1963), that the prosecution withheld discovery, namely a document or documents produced by the State crime lab. This court affirmed Reiner’s conviction without specifically addressing this claim, concluding Reiner “fail[ed] to sufficiently develop an argument.” Our supreme court denied Reiner’s petition for review.

Reiner subsequently filed a “Petition for Postconviction Relief” in the circuit court in which he once again asserted that the prosecution withheld a document or documents produced by the State crime lab in violation of *Brady*. (Formatting altered.) The court denied the motion, and Reiner filed a motion for reconsideration, which the court also denied. Reiner now appeals.

“We need finality in our litigation.” *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994). Because of this, our supreme court has held that “[a] matter once litigated may not be relitigated in a subsequent postconviction proceeding.” *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (1991).

Reiner raised the issue that the prosecution withheld discovery, specifically a document or documents produced by the State crime lab, in the direct appeal from his conviction. *See*

State v. Reiner, No. 2023AP1941-CR, unpublished slip op. (WI App Aug. 28, 2024). Having previously raised this issue (albeit in a manner that did not allow for our review of the merits), he is procedurally barred under *Witkowski* from continuing to raise it further.

Therefore,

IT IS ORDERED that the orders of the circuit court are summarily affirmed. *See* 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