



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

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
Web Site: www.wicourts.gov

DISTRICT IV

June 11, 2026

To:

Hon. Karl Hanson
Circuit Court Judge
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Christine A. Remington
Electronic Notice

Milton Eugene Warren 631350
Redgranite Correctional Institution
P.O. Box 925
Redgranite, WI 54970-0925

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

2024AP2466

State of Wisconsin v. Milton Eugene Warren
(L.C. # 2014CF2123)

Before Graham, P.J., Blanchard, and Nashold, 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).

Milton Warren appeals a circuit court order declining to grant a hearing or take other action on his August 15, 2024 motion. In his August 15, 2024 motion, Warren sought reversal of an order denying several postconviction motions as procedurally barred and raised various other issues. Based on 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 To the extent that this court has jurisdiction to review the issues raised on appeal, we affirm.

Warren was convicted of multiple offenses in 2015. He filed a direct appeal by counsel, and his convictions were affirmed by this court in 2017. *See State v. Warren*, No. 2016AP936-CR, unpublished slip op. (WI App July 20, 2017). He subsequently filed a petition for habeas corpus in the circuit court and, in his words, “a half-dozen pro se motions raising issues that [his postconviction counsel] declined to pursue.” Among these were four separate motions filed on June 14, 2023, requesting postconviction relief based on claims of newly discovered evidence related to a recanting witness, violations of due process at sentencing, violations of due process at trial, and ineffective assistance of trial counsel. The circuit court denied these motions in an order dated June 29, 2023, deciding the first issue on the merits and determining that the second, third, and fourth issues were either procedurally barred under *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994), or attempts at resurrecting a previously rejected issue contrary to *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991).

Warren’s August 15, 2024 motion is titled “Defendant Filing Pro Se Motions While Being Represented by Counsel.” In it, he argues that the circuit court erred in concluding that his June 2023 motions were procedurally barred because he was represented by counsel when he filed his earlier pro se postconviction motions, and those pro se motions were therefore not

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

authorized to be heard.² He also asserts that his constitutional rights were violated by, among other things, an unlawful warrant and testimony from a recanting witness. In a letter dated September 11, 2024, the circuit court noted that the wording of this filing “suggests that it is part of an argument to the court of appeals” and denied relief, declining to address the August 15, 2024 filing further. Warren appeals.

We affirm on several grounds.³ See *Vanstone v. Town of Delafield*, 191 Wis. 2d 586, 595, 530 N.W.2d 16 (Ct. App. 1995) (“[W]e may affirm on grounds different than those relied on by the trial court.”). First, the postconviction motions that are the subject of Warren’s August 2024 motion raise issues that were previously rejected in earlier circuit court decisions, such as the ineffective assistance of trial counsel claim that was denied in the circuit court’s March 2021 order and affirmed by this court. See *State v. Warren*, No. 2021AP1107, unpublished op. and order (WI App. Jan. 12, 2023). Claims based on these issues are properly rejected under *Witkowski*, 163 Wis. 2d at 990.

To the extent that Warren’s August 2024 motion can be construed as a motion for reconsideration of the circuit court’s June 2023 order, the order denying it is appealable only

² Warren moved in January 2024 for reconsideration of the June 2023 order, focusing on the claim related to the allegedly recanting witness. The circuit court denied the motion for reconsideration in an order issued on June 17, 2024. *State v. Warren*, No. 2024AP1288, unpublished op. and order (WI App. Apr. 2, 2026). This court affirmed. *Id.*

³ We do not adopt the State’s position articulated in its response brief. The State’s sole argument is that this court lacks jurisdiction over Warren’s appeal, asserting without citing authority that Warren “cannot appeal from the letter.” The letter is effectively an order in that it denies a hearing or any other action on Warren’s motion, which could be construed as a motion for postconviction relief or a motion for reconsideration of a prior order denying postconviction relief. Such orders are appealable. See WIS. STAT. § 974.06(7); *State v. Edwards*, 2003 WI 68, ¶¶8, 12, 262 Wis. 2d 448, 665 N.W.2d 136. And, as our supreme court has stated, some documents do not explicitly indicate whether they are appealable as of right; “appellate courts should liberally construe ambiguities to preserve the right of appeal.” *Wambolt v. West Bend Mut. Ins. Co.*, 2007 WI 35, ¶46, 299 Wis. 2d 723, 728 N.W.2d 670.

insofar as the motion raised issues different from those that were determined in the circuit court's original June 2023 order. See *State v. Edwards*, 2003 WI 68, ¶¶8, 12, 262 Wis. 2d 448, 665 N.W.2d 136; *Silverton Enters., Inc. v. General Cas. Co. of Wis.*, 143 Wis. 2d 661, 665, 422 N.W.2d 154 (1988) ("No right of appeal exists from an order denying a motion to reconsider which presents the same issues as those determined in the order or judgment sought to be reconsidered."). The circuit court's June 2023 order determined that several of Warren's June 14, 2023 motions are procedurally barred. Thus, to the extent Warren appeals issues that were addressed in the court's June 2023 order, this court lacks jurisdiction to review those issues.

Finally, to the extent that new issues were raised in the August 2024 motion, this court is not persuaded that the motion demonstrates grounds for relief. For instance, although Warren argues that his claims should not be procedurally barred under *Escalona* by his multiple pro se postconviction motions, the motion does not explain either why these claims were not brought in his direct appeal or how these claims are clearly stronger than those raised on direct appeal. See *State v. Romero-Georgana*, 2014 WI 83, ¶4, 360 Wis. 2d 522, 849 N.W.2d 668.

IT IS ORDERED that the order appealed from is summarily affirmed as to issues that were previously litigated in the circuit court.

IT IS FURTHER ORDERED that this appeal is dismissed as to issues decided by the circuit court in its June 29, 2023 order.

IT IS FURTHER ORDERED that the order appealed from is summarily affirmed to the extent the underlying motion raised new issues that were not previously decided by the circuit court.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals