



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 I

May 13, 2025

To:

Hon. Ellen R. Brostrom
Circuit Court Judge
Electronic Notice

Christine A. Remington
Electronic Notice

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

Maries D. Addison 494284
Fox Lake Correctional Institution
P.O. Box 147
Fox Lake, WI 53933

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

2024AP38	State of Wisconsin v. Maries D. Addison (L.C. # 2011CF1079)
2024AP39	State of Wisconsin v. Maries D. Addison (L.C. # 2011CF2881)
2024AP40	State of Wisconsin v. Maries D. Addison (L.C. # 2011CF1664)

Before White, C.J., Donald, P.J., and Geenen, J.

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).

In these consolidated appeals, Maries D. Addison, pro se, appeals the order denying his postconviction motion. 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 We affirm.

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

Background

In 2012, a jury convicted Addison of 17 felonies, including sexual assault, human trafficking, child exploitation, and child enticement with intent to cause the child to engage in prostitution.² The charges stemmed from three separate criminal cases, which were joined for trial.

Following the convictions, Addison, by appointed counsel Attorney Leonard Kachinsky, filed a postconviction motion arguing: (1) the cases against him should have been dismissed due to a violation of Addison's speedy trial rights; (2) the circuit court erred when it denied his request for new counsel, required him to proceed pro se, and when it failed to make a sufficient finding that he was competent to represent himself; and (3) the circuit court erred in having Addison's Bible removed from the courtroom. The circuit court denied the motion.

On direct appeal, we affirmed. *See State v. Addison (Addison I)*, Nos. 2018AP55-CR, 2018AP56-CR, 2018AP57-CR, unpublished slip op. (WI App Mar. 26, 2019). The Wisconsin Supreme Court denied Addison's petition for review.

In 2020, Addison, pro se, filed a WIS. STAT. § 974.06 motion asserting that Kachinsky was ineffective. Addison's primary claims were that Kachinsky was ineffective for failing to challenge trial counsel's effectiveness as to Addison's speedy trial demand and for failing to adequately challenge the court's determination that he was competent to represent himself.

² The Honorable Ellen R. Brostrom presided over Addison's jury trial, sentenced him, and issued the order underlying this appeal. In the interim, the Honorable Mark. A. Sanders denied Addison's WIS. STAT. § 974.02 postconviction motion, and the Honorable Stephanie Rothstein denied Addison's 2020 WIS. STAT. § 974.06 motion.

Addison also claimed Kachinsky failed to properly argue that the trial court violated his due process rights when “[the trial court] was influenced by the Chief [J]udge, and her [C]atholic faith.” The circuit court denied the motion.

Addison appealed, and again, we affirmed. *See State v. Addison (Addison II)*, Nos. 2020AP677, 2020AP678, 2020AP679, unpublished op. and order (WI App Feb. 28, 2023). We concluded that Addison’s speedy trial and competency claims were barred because they were previously litigated. *Id.* at 3. We further concluded that “even if there were deficient performance by either attorney, Addison has suffered no prejudice, which defeats the ineffective assistance claims.” *Id.* at 4. We also rejected Addison’s claim that the trial court violated his right to due process. *Id.* at 4-6. The Wisconsin Supreme Court denied Addison’s petition for review.

In 2023, three months after our decision in *Addison II* and while his petition for review was pending with the Wisconsin Supreme Court, Addison filed a second pro se WIS. STAT. § 974.06 motion seeking a new trial or a dismissal in the interest of justice based on newly discovered evidence. The newly discovered evidence consisted of Kachinsky’s involvement in criminal actions and misconduct, which Addison discovered after he filed his first WIS. STAT. § 974.06 motion.

Addison argued that as a result of Kachinsky’s criminal actions and misconduct in unrelated matters, Kachinsky rendered ineffective assistance. According to Addison, Kachinsky’s own criminal acts and misconduct created a conflict of interest and resulted in Kachinsky’s failure to better argue that Addison’s speedy trial rights were violated. Additionally, Addison claimed that due to Kachinsky’s “distractions,” he failed to properly argue

Addison was incompetent to proceed pro se and that he was denied his right to counsel during his trial.

The circuit court concluded that the new evidence regarding Kachinsky's criminal conviction for violating a harassment injunction and his suspension from eligibility for appointment as a reserve municipal court judge did not have any relationship to Kachinsky's representation of Addison. In addition, the court was not persuaded that Addison satisfied the requirements for newly discovered evidence. In its written order denying Addison's motion, the court explained that Addison was attempting to repackage his prior claims in order to avoid the procedural bar:

The [c]ourt of [a]ppeals has *twice* determined that the delay in the trial did not violate[] the defendant's constitutional right to a speedy trial and that the defendant was competent to represent himself at trial. The [c]ourt of [a]ppeals decisions are the law of the case. The court will not entertain the defendant's attempt to repackage his speedy trial and competency to represent himself issues under the guise of a newly discovered conflict of interest "no matter how artfully the defendant may rephrase the issue[s]." [*State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991)]. Consequently, the court[] denies the defendant's motion for postconviction relief based upon an alleged conflict of interest. To the extent that the defendant's motion peppers in other claims that are not expressly addressed in this decision, the court finds that they are undeveloped and procedurally barred by the prior postconviction proceedings. See *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 178, 517 N.W.2d 157 (1994).

(Footnote omitted.) This appeal follows.

Discussion

We conclude that Addison's claims fail because they are barred. A claim brought under WIS. STAT. § 974.06 is barred if it has been finally adjudicated during a previous appeal.

Escalona-Naranjo, 185 Wis. 2d at 181-82. “We need finality in our litigation.” *Id.* at 185. Additionally, as stated in the circuit court’s decision, “[a] matter once litigated may not be relitigated in a subsequent postconviction proceeding no matter how artfully the defendant may rephrase the issue.” *Witkowski*, 163 Wis. 2d at 990.

While rephrased as newly discovered evidence in an effort to work around the procedural bar, in actuality, Addison is renewing his claim of ineffective assistance by Kachinsky in his role as postconviction counsel. In his first WIS. STAT. § 9740.06 motion, Addison argued that Kachinsky was ineffective in his role as postconviction counsel. Now, Addison attempts to bolster that claim by arguing that Kachinsky’s ineffectiveness was due to the fact that Kachinsky was distracted by his own criminal case and misconduct.

We have already rejected Addison’s claims that (1) Kachinsky was ineffective in his role as postconviction counsel, *see Addison II*, Nos. 2020AP677, 2020AP678, 2020AP679, at 4, (2) the delay in the trial violated Addison’s constitutional right to a speedy trial, *see Addison I*, Nos. 2018AP55-CR, 2018AP56-CR, 2018AP57-CR, ¶44, and (3) he was not competent to represent himself at trial, *see id.*, ¶56. The fact that Addison later learned Kachinsky was engaged in unrelated criminal actions and misconduct does not change the outcome. Despite his

efforts to revive them, Addison is foreclosed from relitigating these matters based on both *Escalona-Naranjo*'s procedural bar and *Witkowski*.³

Therefore,

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.

Samuel A. Christensen
Clerk of Court of Appeals

³ If we were to address the merits of Addison's newly discovered evidence claim, we would agree with the circuit court's assessment that he failed to make the requisite showings. *See State v. Love*, 2005 WI 116, ¶43, 284 Wis. 2d 111, 700 N.W.2d 62 (stating that in order to secure a new trial based on newly discovered evidence, the defendant must show "(1) the evidence was discovered after conviction; (2) the defendant was not negligent in seeking evidence; (3) the evidence is material to an issue in the case; and (4) the evidence is not merely cumulative") (citations omitted).