

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 11, 2005

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2004AP2881-CR

Cir. Ct. No. 1975CF5829

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

LEONARD COLLINS, SR.,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
DAVID A. HANSHER, Judge. *Affirmed.*

Before Wedemeyer, P.J., Fine and Kessler, JJ.

¶1 PER CURIAM. Leonard Collins, Sr. appeals *pro se* from an order denying his WIS. STAT. § 974.06 (2003-04)¹ motion seeking dismissal, on

¹ All references to the Wisconsin Statutes are to the 2003-04 version unless otherwise noted.

jurisdictional grounds, of his 1976 conviction for first-degree murder. Collins argues that he should be released from prison because the trial court lacked personal and subject matter jurisdiction in his case and that he was denied counsel at critical stages of the proceedings. Because Collins's lack of personal jurisdiction claim is barred by *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994), and his lack of subject matter jurisdiction claim is stated only as a conclusion without factual development, we affirm.

BACKGROUND

¶2 In 1976, Collins was convicted of first-degree murder and sentenced to life in prison. In March 1977, he filed a postconviction motion. In July 1978, he filed a WIS. STAT. § 974.06 motion. In July 1979, he filed his direct appeal. In April 1984, he filed his second § 974.06 motion. In 1989, he filed another § 974.06 motion. In April 1993, he filed another postconviction motion. In February 1994, he filed another § 974.06 motion. In August 1997, he filed another postconviction motion. In June 2000, he filed a motion seeking sentencing modification. All of these motions and appeals therefrom were denied.

¶3 Collins failed to raise the jurisdictional issues in any of the many postconviction proceedings delineated above. In October 2004, Collins filed a *pro se* motion seeking to modify his sentence, raising the jurisdictional challenges for the first time and seeking dismissal of his case. The trial court treated this latest motion as a WIS. STAT. § 974.06 motion, found that the claims were barred by *Escalona-Naranjo*, and summarily denied Collins's requests. Collins now appeals from the trial court's order.

DISCUSSION

¶4 The State correctly points out that Collins's motion, filed more than twenty years after his conviction, is only cognizable as a WIS. STAT. § 974.06 claim. As such, Collins is bound by the language of that statute, which requires a prisoner to raise all grounds regarding postconviction relief in his or her original, supplemental, or amended motion. *Id.*; *Escalona-Naranjo*, 185 Wis. 2d at 185.

¶5 A defendant is not entitled to pursue an endless succession of postconviction remedies. As noted, for the past twenty years, Collins has ignored this jurisprudence and has a long history of repeatedly filing postconviction motions. In order to establish finality in our litigation, *Escalona-Naranjo* prohibits a defendant from pursuing successive claims, which could have been, but were not, raised in a prior postconviction motion or on direct appeal, unless he or she posits a sufficient reason for failing to previously raise the issue. *Id.* at 185.

¶6 Here, Collins offers no reason for failing to previously raise the issues he proffers in the instant appeal. Instead, he argues that *Escalona-Naranjo* does not apply to him because it postdates his conviction. Although Collins is correct in his assertion that *Escalona-Naranjo* was not decided until long after his 1976 conviction, he is wrong in asserting that he is therefore not bound by its dictates. *Escalona-Naranjo* is fully retroactive to criminal convictions that became final before *Escalona-Naranjo* was decided in 1994. *See State ex rel. Krieger v. Borgen*, 2004 WI App 163, 276 Wis. 2d 96, 687 N.W.2d 79. Accordingly, Collins is procedurally barred from raising the claim of lack of personal jurisdiction issues proffered for the first time in this appeal.

¶7 Collins argues that his claim of lack of subject matter jurisdiction cannot be waived. To the extent that the doctrine of waiver cannot be applied to a

subject matter of jurisdiction claim, we conclude that Collins's argument lacks merit. There is nothing in our review to convince us that the trial court in this case lacked subject matter jurisdiction. Moreover, Collins fails woefully in his brief to present exactly what his argument is or to support his argument with citation to pertinent authority. Accordingly, we decline to address it further. *State v. Pettit*, 171 Wis. 2d 627, 647, 492 N.W.2d 633 (Ct. App. 1992).

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

