

**COURT OF APPEALS
DECISION
DATED AND FILED**

December 28, 2010

A. John Voelker
Acting 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. 2009AP3092

Cir. Ct. No. 2006CF6188

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

RICK T. ROBINSON,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
DANIEL L. KONKOL, Judge. *Affirmed.*

Before Curley, P.J., Fine and Brennan, JJ.

¶1 PER CURIAM. Rick T. Robinson, *pro se*, appeals the circuit court's order denying his motion for postconviction relief under WIS. STAT. § 974.06. He contends that he should be allowed to withdraw his guilty plea. We affirm.

¶2 “[A]ny claim that could have been raised on direct appeal or in a previous Wis. Stat. § 974.06 ... postconviction motion is barred from being raised in a subsequent § 974.06 postconviction motion, absent a sufficient reason.” *State v. Lo*, 2003 WI 107, ¶2, 264 Wis. 2d 1, 4–5, 665 N.W.2d 756, 758 (footnote omitted); *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157, 163–164 (1994). “[D]ue process for a convicted defendant permits him or her a single appeal of that conviction and a single opportunity to raise claims of error.” *State ex rel. Macemon v. Christie*, 216 Wis. 2d 337, 343, 576 N.W.2d 84, 86 (Ct. App. 1998). “Successive, and often reformulated, claims clog the court system and waste judicial resources.” *Id.*, 216 Wis. 2d at 343, 576 N.W.2d at 87. A defendant who fails to raise issues in response to a no-merit report waives the right to raise those issues unless he or she shows a sufficient reason for failing to raise the issues in the response. *State v. Allen*, 2010 WI 89, ¶4, ___ Wis. 2d ___, 786 N.W.2d 124, 125–126; *State v. Tillman*, 2005 WI App 71, ¶2, 281 Wis. 2d 157, 160, 696 N.W.2d 574, 575–576.

¶3 Robinson was convicted in 1997 of one count of first-degree reckless injury and one count of felon in possession of a firearm. His appointed appellate counsel filed a no-merit report during his direct appeal, to which Robinson responded. After reviewing the report and the response, we summarily affirmed the judgment of conviction. Robinson has since filed multiple postconviction motions under WIS. STAT. § 974.06, motions for reconsideration and *habeas* petitions, all of which have been denied. Robinson has failed to allege any reason, much less a sufficient reason, for failing to previously raise his current claims. Therefore, Robinson is subject to the procedural bar of *Escalona-Naranjo* and its progeny.

By the Court.—Order affirmed.

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

