

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 25, 2011

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. 2010AP1607

Cir. Ct. No. 2010CV421

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN EX REL. SHERWOOD L. HARD,

PETITIONER-APPELLANT,

v.

**LARRY L. JENKINS, WARDEN,
REDGRANITE CORRECTIONAL INSTITUTION,**

RESPONDENT-RESPONDENT

APPEAL from an order of the circuit court for Milwaukee County:
DENNIS P. MORONEY, Judge. *Affirmed.*

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

¶1 PER CURIAM. Sherwood L. Hard, *pro se*, appeals the circuit court's order denying his motion for postconviction relief under WIS. STAT.

§ 974.06 (2009-10).¹ The dispositive issue is whether Hard’s claims are barred by *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 185, 517 N.W.2d 157 (1994). We conclude that his claims are barred. Therefore, we affirm.

¶2 Hard was convicted of second-degree sexual assault in 2003 after a jury trial. His appointed appellate counsel filed a no-merit report on direct appeal, to which Hard submitted several responses. After considering the report and the responses, we affirmed the judgment of conviction. When the direct appeal process was complete, Hard filed a petition for writ of *habeas corpus* and a motion for an evidentiary hearing on an ineffective assistance of counsel claim, which the circuit court denied in separate orders. Next, Hard filed a postconviction motion pursuant to WIS. STAT. § 974.06, which the circuit court denied as procedurally barred under *Escalona-Naranjo*. Hard then filed a petition for writ of *habeas corpus* in this court, which we denied, followed by at least five additional postconviction motions and writs in the circuit court over the next several years, including one that raised thirty-two issues, and some of which were appealed to this court.

¶3 “[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, 665 N.W.2d 756; *Escalona-Naranjo*, 185 Wis. 2d at 185. The *Escalona-Naranjo* bar applies to issues that could have been raised in response to a no-merit report submitted by appointed appellate counsel.

¹ All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

State v. Tillman, 2005 WI App 71, ¶19, 281 Wis. 2d 157, 696 N.W.2d 574. Hard has been continually litigating his 2003 conviction since it was entered eight years ago. His repeated, often duplicative, motions and petitions highlight why the supreme court emphasized in *Escalona-Naranjo* that “[w]e need finality in our litigation.” *Id.*, 185 Wis. 2d at 185. Hard has had more than ample opportunity to challenge alleged errors in his conviction. We will not consider Hard’s claims because they are procedurally barred under *Escalona-Naranjo*.²

By the Court.—Order affirmed.

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

² After this case was submitted for decision, Hard filed a “notice of appeal to supplement or amend[] petitioner’s reply brief pursuant to § 974.06.” This motion makes no cognizable legal claim. Therefore, the motion is denied.

