

From: RONALD CARPENTER #50800
New Lisbon Correctional Institution
P.O. Box 2000
New Lisbon, WI 53950

ORIGINAL

22A899

Date: FILED 23

Appeal No: 2020 AP001207

APR 05 2023

CASE No:

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Dear Clerk of Court, of U.S. Supreme Court

I would like to file a writ of certiorari in the U.S. Supreme Court, because I've been incarcerated for 16 years for a crime that I did not do, with 50 more years left to do which I would die in prison of this death sentence of this Aggrieve System, and I am tired, I mean really tired of not getting help or justice and liberty from the judges which I feel my case is being use for a political pawn in this system which is not fair; the record clearly shows that my six Amendment Right to a fair trial was denied which is a violation of my Constitutional Rights which is my Civil Rights what this system promise to protect me according to our Constitution.

Now I have to take kidney and sugar medication which I developed since I've been in prison, now this system is killing me because I was given bad medication for Acid Reflux which mess my kidney up now I don't know how long I get before my kidneys shut down which I know this

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APR 13 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

← TURN OVER →

2.

will kill me in prison;

I have come to this Court Now for help more than twice Now, still No Results, the Bible says to keep asking and knocking and it would be given, so why is our Justice System is failing me, I AM INNOCENT, I AM INNOCENT, I AM INNOCENT, PLEASE don't let me die in PRISON FOR A CRIME THAT I DID NOT DO;

IT'S A SHAME OUR NATION help Every other NATION But don't help the Wrongfully Accuse, then you give me A Death Sentence for A CRIME THAT I DID NOT DO BECAUSE I'M GOING TO DIE IN HERE FROM KIDNEY FAILURE AND IF THAT DON'T KILLS ME ALL THIS MEDICATION I HAVE TO TAKE WILL BECAUSE OF THIS SYSTEM MAKING ME DEPRESS AND SICK, WHICH THEY CAUSED.

I ASK THIS COURT FOR EXTENSION OF TIME I ASK FOR A LAWYER BECAUSE ALL THE MEDICATION I'M TAKING AND I ASK TO SPEND TIME WITH MY FAMILY WHICH I HAVE NOT SEEN IN YEARS.

So Please help me File my Writ AND ENCLOSE IS A COPY OF PETITION FOR REVIEW THAT WAS FILED IN WISCONSIN.

THANK YOU Sincerely Ronald Carter

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State v. Ronald Marion Carpenter

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Appeal Number 2020AP001207

Court of Appeals District 1

CASE HISTORY

What is RSS? 

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	02-21-2023		Remittitur
OCCD	SC	12-12-2022		Fee Paid
Comment: Receipt No: 22R 002809				
OCCD	SC	12-12-2022		Petition for Review Response to Petition for Review Petition for Review
Filed By: Rex Anderegg Submit Date: 12-27-2022 Decision: (D) Deny Decision Date: 2-21-2023 IT IS ORDERED that the petition for review is denied, without costs. REBECCA FRANK DALLET, J., did not participate. Motion Response Filed By: Anne Murphy Submit Date: 12-27-2022				
OCCD	CA	11-14-2022		Motion for Reconsideration
Filed By: Rex Anderegg Submit Date: 11-14-2022 Decision: (D) Deny Decision Date: 11-16-2022 IT IS ORDERED that the motion for reconsideration is denied.				
OCCD	CA	11-09-2022		Motion to Withdraw as Counsel
Filed By: Robert Meyeroff Submit Date: 11-9-2022 Decision: (G) Grant Decision Date: 11-10-2022 IT IS ORDERED that the Clerk of the Court of Appeals shall substitute Attorney Rex Anderegg as attorney of record for this appeal.				
OCCD	CA	10-25-2022		Opinion/Decision
Judge Panel: White, Dugan, Brash Opinion: Summary Disposition Decision: Affirmed Pages: 4 Order Text: Orders affirmed				
OCCD	CA	10-20-2021		Rejected Electronic Document
Comment: The document filed for this case is for Marvin D. Anthony, pre-appeal number 19XX1294-CR, not for Ronald Carpenter, appeal number 20AP1207.				
OCCD	CA	09-10-2021		Submitted on Briefs
OCCD	CA	07-30-2021		Briefs Received At State Law Library
OCCD	CA	07-06-2021		Record and Briefs Sent to District 1
OCCD	CA	07-06-2021		Reply Brief Reply Brief
Filed By: Robert Meyeroff				

809.82(2)(a) (2017-18).
 See BAP event due on 11-19-2020
 Comment: Motion to Extend Time to file BAP Court Order 10/2/20

OCCD CA	08-11-2020	Non-Electronic Record Item
OCCD CA	08-10-2020	Sealed Documents
OCCD CA	08-10-2020 Comment: 1-4 to 203-1, ELECTRONICALLY FILED Record Filing Notice	Record
OCCD CA	08-06-2020 Filed By: Robert Meyeroff Status: Not Needed	Statement on Transcript
OCCD CA	07-27-2020 Comment: Invoice No: 19525; Receipt No: 20R 001428	Fee Paid
OCCD CA	07-27-2020 Comment: Invoice No: 19525 Invoice Issued	Invoice Issued
OCCD CA	07-20-2020 Comment: Notif. Sent-Filing of NAP & Ct. Record	Notif. Sent-Filing of NAP & Ct. Record
OCCD CA	07-20-2020 Comment: Notice of Appeal & Court Record	Notice of Appeal & Court Record
OCCD CA	07-15-2020 Comment: Notice of Appeal filed in circuit court	Notice of Appeal filed in Cir. Ct.
OCCD CA	06-15-2020	Order of Circuit Court
OCCD CA	05-12-2020	Order of Circuit Court

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DISTRICT I

October 25, 2022

To:

Hon. Stephanie Rothstein
Circuit Court Judge
Electronic Notice

John D. Flynn
Electronic Notice

George Christenson
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Robert N. Meyeroff
Electronic Notice

Anne Christenson Murphy
Electronic Notice

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

2020AP1207

State of Wisconsin v. Ronald Marion Carpenter
(L.C. # 2007CF5359)

Before Brash, C.J., Dugan and White, 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).

Ronald Marion Carpenter appeals orders denying his postconviction motion and the reconsideration motion that followed. Carpenter argues that he is entitled a new trial in the interest of justice because the real controversy in this matter was not fully tried due to the ineffective assistance he received from trial counsel. 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(1) (2019-20).¹ We affirm.

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

In 2008, Carpenter was convicted, following a jury trial, of kidnapping, false imprisonment, four counts of second-degree sexual assault by use of force, and four counts of first-degree sexual assault as a party to the crimes. Since that time, Carpenter has filed numerous postconviction motions and has had two prior appeals.

On direct appeal, this court affirmed his convictions. *See State v. Carpenter*, No. 2009AP2496-CR, unpublished slip op. (WI App Apr. 13, 2011). The Wisconsin Supreme Court denied his petition for review.

Next, Carpenter, *pro se*, filed a WIS. STAT. § 974.06 motion for a new trial alleging that his postconviction counsel was ineffective for not arguing that his trial counsel was ineffective. According to Carpenter, trial counsel was ineffective for not investigating and impeaching the victim with prior untruthful allegations of sexual assault, which were detailed in a statement the victim's mother made to police, and for not securing the victim's mental health records. The circuit court denied Carpenter's motion, and he did not appeal the decision.

Nearly six years later, Carpenter filed a second *pro se* postconviction motion, this time seeking sentence modification. The circuit court denied Carpenter's motion, explaining that he had not set forth a new factor of any kind so as to warrant sentence modification. The circuit court additionally explained that even if it were to liberally construe Carpenter's motion as one for a new trial under WIS. STAT. § 974.06, his claims were procedurally barred.

Then Carpenter, *pro se*, filed a motion seeking a *Machner* hearing and a motion to supplement the record for appeal.² The circuit court denied this motion, and Carpenter appealed. We affirmed. *See State v. Carpenter*, No. 2017AP1834, unpublished op. and order (WI App Dec. 18, 2018). In our decision, we held—among other things—that Carpenter was not entitled to a new trial in the interest of justice. *See id.*, No. 2017AP1834, at 8. Carpenter claimed that he was entitled to a new trial because the jury did not hear about the statement the victim’s mother made to police or hear her testify. We deemed the argument undeveloped. *Id.*, No. 2017AP1834, at 9.

In 2020, Carpenter filed a letter asking the circuit court to examine what he characterized as newly discovered evidence impeaching the victim’s credibility. With his filing, Carpenter submitted notes that he purportedly discovered in 2019 when he received them from the attorney who represented him in federal habeas litigation. The notes related the victim’s mental health history and allegations of rape, among other thing.

The circuit court denied Carpenter’s motion after concluding that he had not set forth a viable claim for relief. Carpenter moved the circuit court to reconsider. In its decision denying the motion for reconsideration, the circuit court explained:

While the defendant claims that the new information he learned about his victim since his trial constitutes newly discovered evidence, it does not.... [T]he defendant already litigated issues regarding his attorney’s failure to investigate and present impeachment evidence regarding the victim’s prior untruthful allegations and mental health in his first postconviction motion. *See State v. Witkowski*, 163 Wis. 2d 985, 990[, 473 N.W.2d 512] (Ct. App. 1991) (defendant may not relitigate or

² *See State v. Machner*, 92 Wis. 2d 797, 804, 285 N.W.2d 905 (Ct. App. 1979).

reformulate claims decided in a previous postconviction challenge).

This appeal follows. Carpenter attempts to recharacterize his newly discovered evidence claim by asserting that he is entitled to a new trial in the interest of justice because the jury did not hear testimony that the victim had a history of making sexual assault allegations that were investigated and determined to be baseless. He contends that trial counsel's ineffectiveness kept the real controversy from being fully tried.

We adopt the circuit court's decision denying Carpenter's reconsideration motion, and conclude that despite the interest-of-justice label, Carpenter is simply relitigating his ineffective assistance claim. *See* WIS. CT. APP. IOP VI(5)(a) (Nov. 30, 2009) ("When the [circuit] court's decision was based upon a written opinion ... that adequately express[es] the panel's view of the law, the panel may incorporate the [circuit] court's opinion ... or make reference thereto, and affirm on the basis of that opinion."); *see also State v. Crockett*, 2001 WI App 235, ¶15, 248 Wis. 2d 120, 635 N.W.2d 673 ("Rephrasing the same issue in slightly different terms does not create a new issue."). Carpenter cannot simply recharacterize previous ineffective counsel claims in a neverending series of attempts to obtain a new trial. Our discretionary reversal power under WIS. STAT. § 752.35 is to be exercised only in exceptional cases. *See State v. Avery*, 2013 WI 13, ¶38, 345 Wis. 2d 407, 826 N.W.2d 60. This is not one. Therefore,

IT IS ORDERED that the orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

Sheila T. Reiff
Clerk of Court of Appeals