

**COURT OF APPEALS
DECISION
DATED AND FILED**

April 22, 2014

Diane M. Fremgen
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. 2013AP1312-CR

Cir. Ct. No. 2007CF5884

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

JAMIE L. WILLIAMS,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
JONATHAN D. WATTS, Judge. *Affirmed.*

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

¶1 PER CURIAM. Jamie L. Williams appeals an order denying him sentence credit for 118 days that he spent in custody before his sentencing in this case. Because Williams received credit for the 118 days toward his service of a

reconfinement term imposed in another case, and because he is not entitled to duplicative credit against his consecutive sentence in this case, we affirm.

¶2 The relevant facts are undisputed. Williams was serving a term of extended supervision imposed in Milwaukee County case No. 2003CF2989 when police arrested him on November 28, 2007. The arrest led both to the revocation of his extended supervision in case No. 2003CF2989 and to a new charge in the instant case. While the charge in this case was pending, he returned to circuit court on March 26, 2008, for a reconfinement hearing in case No. 2003CF2989. At that hearing, the circuit court ordered Williams reconfinement for two years and further ordered that he receive presentence incarceration credit for “all the days that [he] ha[d] been in custody.” Soon thereafter, Williams resolved the instant case with a guilty plea. At sentencing in May 2008, the circuit court imposed a nine-year term of imprisonment and ordered Williams to serve the sentence consecutively to the reconfinement term imposed in case No. 2003CF2989.

¶3 Williams sought sentence credit in the instant case for the 118-day period he spent in custody from November 28, 2007, through March 26, 2008. The circuit court denied relief on the ground that Williams had already received credit for the 118 days against his reconfinement term. Williams appeals.

¶4 “A convicted offender shall be given credit toward the service of his or her sentence for all days spent in custody in connection with the course of conduct for which sentence was imposed.” WIS. STAT. § 973.155(1)(a) (2011-12).¹ Wisconsin courts have developed a body of case law applying the

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

statute in various circumstances. See *State v. Tuescher*, 226 Wis. 2d 465, 471-72, 595 N.W.2d 443 (Ct. App. 1999). Whether a defendant is entitled to sentence credit under § 973.155 is a question of law that we review independently of the circuit court. *State v. Lange*, 2003 WI App 2, ¶41, 259 Wis. 2d 774, 656 N.W.2d 480.

¶5 Williams does not dispute that he received credit toward the service of the reconfinement term imposed in case No. 2003CF2989 for his time in custody from November 28, 2007, through March 26, 2008. In his view, however, he is also entitled to receive credit for that time in custody toward the service of his consecutive sentence in the instant case because, he argues, the custody “was at least in part due to the conduct” underlying his conviction in this matter. He is wrong.

¶6 Our supreme court long ago endorsed the proposition that “[t]he objective with consecutive sentences is to assure that credit is awarded against one, but only one, of the consecutive sentences.” See *State v. Boettcher*, 144 Wis. 2d 86, 101, 423 N.W.2d 533 (1988) (citation omitted). The *Boettcher* court explained:

[w]e are satisfied, from the purpose of the statute and particularly the absence of any language even suggesting the possibility of dual credits where consecutive sentences are imposed, that the public policy behind the statute impels the conclusion we reach here: That custody credits should be applied in a mathematically linear fashion. The total time in custody should be credited on a day-for-day basis against the total days imposed in the consecutive sentences.

Id. at 100.

¶7 *Boettcher* bars Williams from receiving the dual credit he requests. Therefore, we affirm.

By the Court.—Order affirmed.

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

