

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

July 13, 2000

Cornelia G. Clark  
Clerk, Court of Appeals  
of Wisconsin

**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.

**No. 99-2726-CR**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**TERRY L. WESTON,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment and an order of the circuit court for Rock County: EDWIN C. DAHLBERG, Judge. *Affirmed.*

Before Dykman, P.J., Eich and Roggensack, JJ.

¶1 PER CURIAM. Terry Weston appeals from the trial court's order modifying his sentence. Weston contends he is entitled to resentencing because the prosecutor breached the spirit of the plea agreement. We affirm.

¶2 Weston was convicted of bail jumping pursuant to a plea agreement. Under the agreement, the parties jointly recommended that Weston be sentenced to five years' imprisonment, to be served concurrently with an eight-year sentence Weston was already serving on a different matter. The trial court sentenced Weston as requested. Later, Weston moved to vacate the eight-year sentence. It was vacated and, on resentencing, Weston received a five-year sentence *consecutive* to the sentence for bail jumping, thereby resulting in an increased sentence of ten years for the two crimes. Because his total sentence had been increased, Weston moved to modify his sentence for bail jumping. The prosecutor objected, but the trial court reduced the five-year sentence to three years, making Weston's sentence for the two crimes eight years, the amount of time originally contemplated by the plea agreement.

¶3 Weston contends that the prosecutor violated the spirit of the plea agreement when, on resentencing, he provided the court with a copy of a presentence investigation report that the court had not previously seen and argued that Weston's five-year sentence for bail jumping should not be reduced, despite the subsequent change in the eight-year concurrent sentence.

¶4 We have held that the terms of a plea agreement are limited to the original sentencing. *See State v. Windom*, 169 Wis. 2d 341, 350, 485 N.W.2d 832 (Ct. App. 1992). Under *Windom*, the State's plea agreement did not extend beyond the original sentencing. Therefore, there was no breach.

*By the Court.*—Judgment and order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5 (1997-98).



