

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**May 11, 2006**

Cornelia G. Clark  
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. 2005AP2190-CR**

**Cir. Ct. No. 2001CF3473**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT I**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**ARIEYAH OZZIE GOODLOW,**

**DEFENDANT-APPELLANT.**

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APPEAL from orders of the circuit court for Milwaukee County:  
JEFFREY A. CONEN and DENNIS P. MORONEY, Judges. *Affirmed.*

Before Dykman, Vergeront and Deininger, JJ.

¶1 PER CURIAM. Arieyah Goodlow appeals an order reconfining him after revocation of his extended supervision, and an order denying him post-sentencing relief. He contends that the circuit court erroneously exercised its sentencing discretion in the reconfinement proceeding. We affirm.

¶2 In June 2001, Goodlow received a sentence of fifteen months' initial confinement followed by twenty-four months of extended supervision on his conviction for possessing less than 500 grams of marijuana with intent to deliver it. The Department of Corrections released him from his initial confinement in August 2003. In January 2005, the DOC revoked his extended supervision after he was discovered in possession of marijuana packaged for sale. He was also found possessing a scale with packaged marijuana stacked on it and a stolen handgun. In addition to the revoked extended supervision, he was charged in federal court on drug and firearm charges.

¶3 Goodlow returned to the circuit court for sentencing after revocation with a DOC recommendation for seven months' additional confinement. However, the circuit court imposed the maximum amount of confinement possible, which was two years less a few days.

¶4 In sentencing Goodlow, the court noted that Goodlow was revoked for the same offense that led to his conviction and sentence. The court then stated:

I've looked at the seriousness of the underlying offense, which is quite serious. I looked at your violations that are considered serious because you were out on extended supervision.

You had one major problem while you were in the institution with a major conduct report. You had some other problems with your supervision.

The need to protect the public, taking into account all of those factors, the court will reconfine you for the full amount of time, the full amount of time of one year, 11 months and 24 days.

¶5 Goodlow subsequently moved for resentencing, contending that the court erroneously exercised its sentencing discretion by failing to adequately

explain the reasons for imposing the maximum reconfinement on Goodlow. The court, with a different judge presiding, denied relief, resulting in this appeal.

¶6 The circuit court must explain the reasons for the particular sentence it imposes. *State v. Gallion*, 2004 WI 42, ¶39, 270 Wis. 2d 535, 678 N.W.2d 197. This requirement extends to reconfinelements after revocation of extended supervision. *State v. Swiams*, 2004 WI App 217, ¶23, 277 Wis. 2d 400, 690 N.W.2d 452. However, how much explanation is necessary will vary from case to case. *Gallion*, 270 Wis. 2d 535, ¶39.

¶7 Goodlow contends that the circuit court did not adequately explain the decision to impose maximum reconfinement. We disagree. The court's explanation indicated that it considered the serious nature of the underlying offense, the serious nature of the new offenses Goodlow committed, his prison record, and the fact that he persisted in drug dealing after his conviction for drug dealing. These factors form a reasonable justification for a substantial sentence, well in excess of the seven months of reconfinement that the DOC recommended. While the court did not specifically address maximum reconfinement, courts need only explain the general range of the sentence imposed and not, for example, the difference between sentences of fifteen and seventeen years. *Id.*, ¶49. We consider the explanation for a substantial sentence to be adequate in this case.

¶8 As noted, the court's sentencing remarks included "I looked at your violations that are considered serious because you were out on extended supervision." Goodlow contends that this sentence demonstrates an erroneous exercise of discretion, because it indicates that the circuit court considered Goodlow's offenses serious only because they occurred on extended supervision. In Goodlow's view, classifying crimes as serious or not serious based on the

defendant's legal status is neither logical nor rational. However, we construe the circuit court's statement differently. In our view, the circuit court meant that the drug offense was more serious because he had already been charged and convicted of an almost identical drug offense, and then continued doing the same thing on supervision. Repeating the conduct that led to the conviction, while serving the sentence for it, is a reasonable aggravating factor to consider.

*By the Court.*—Orders affirmed.

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

