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**DISTRICT IV**

January 5, 2024

To:

Hon. Chad A. Hendee  
Circuit Court Judge  
Electronic Notice

Katie R. York  
Electronic Notice

Shari Rudolph  
Clerk of Circuit Court  
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Marquette County Jail  
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You are hereby notified that the Court has entered the following opinion and order:

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2022AP2223-CRNM      State of Wisconsin v. Jodi A. Logging (L.C. # 2021CM31)

Before Taylor, J.<sup>1</sup>

**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).**

Jodi Logging appeals the circuit court order denying his motion for sentence credit. Attorney Katie York, appointed counsel for Logging, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*,

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

386 U.S. 738 (1967). Loging was sent a copy of the report and has not filed a response. Upon consideration of the report and an independent review of the record, I conclude that further appellate proceedings in this matter would be frivolous. Accordingly, I affirm.

As relevant to this appeal, Loging was sentenced to a jail term on charges of misdemeanor battery and disorderly conduct, and the court imposed the sentence consecutive to any other sentence. Loging did not file a notice of intent to pursue postconviction relief from his underlying conviction. Instead, several months later, he filed a pro se motion for sentence credit pursuant to WIS. STAT. § 973.155. He claimed that he was entitled to credit for time spent in custody on a probation hold from June 10, 2021, to November 23, 2021. He alleged that the hold was due at least in part to his course of conduct in this case. In other words, he alleged that the probation hold was “in connection with” his course of conduct in this case. *See* § 973.155(1)(a) and (b); *State v. Hintz*, 2007 WI App 113, ¶6, 300 Wis. 2d 583, 731 N.W.2d 646.

The circuit court denied Loging’s motion for sentence credit. The court explained that Loging had already received credit for the probation hold toward his sentence in a previous case, Green Lake County case No. 2017CF32; that his sentence in the current case was consecutive to his sentence in the Green Lake County case; and that he therefore could not receive credit for the probation hold in the current case because he was not entitled to “double credit.”

Loging filed a notice of intent to pursue postconviction relief from the circuit court’s denial of his motion for sentence credit. *See* WIS. STAT. § 973.155(6) (“A defendant aggrieved by a determination by a court under this section may appeal in accordance with [WIS. STAT. RULE] 809.30.”). The State Public Defender’s Office appointed counsel.

As reflected in the no-merit report, the scope of this appeal is limited to the issue of whether Logging is entitled to sentence credit. Counsel concludes in the no-merit report that the issue lacks arguable merit.

I agree with counsel’s conclusion. The circuit court’s analysis was correct. “Credit is to be given on a day-for-day basis, which is not to be duplicatively credited to more than one of the sentences imposed to run consecutively.” *State v. Boettcher*, 144 Wis. 2d 86, 87, 423 N.W.2d 533 (1988). The analysis does not change even if, as Logging alleged in his motion, his probation hold was in connection with his course of conduct in this case. *See State v. Lira*, 2021 WI 81, ¶30, 399 Wis. 2d 419, 966 N.W.2d 605 (“[W]hile criminal defendants are entitled to sentence credit for incarceration factually connected to an offense, they are not entitled to credit already counted toward a separate and consecutive sentence.”).

Therefore,

IT IS ORDERED that the circuit court’s order is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Katie York is relieved of any further representation of Jodi Logging in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*