

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**March 19, 2013**

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. 2012AP1659-CR  
STATE OF WISCONSIN**

Cir. Ct. No. 2004CF149

**IN COURT OF APPEALS  
DISTRICT III**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**TYLER N. MILLS,**

**DEFENDANT-APPELLANT.**

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APPEAL from an order of the circuit court for Eau Claire County:  
MICHAEL A. SCHUMACHER, Judge. *Affirmed.*

Before Hoover, P.J., Mangerson, J., and Thomas Cane, Reserve  
Judge.

¶1 PER CURIAM. Tyler Mills appeals an order denying his motion for 512 days' sentence credit. Because we conclude he is not entitled to any additional credit, we affirm the order.

¶2 Following Mills' arrest in Eau Claire County for attempted child enticement and attempted sexual assault of a child, he was released on signature bond. When Mills failed to appear for a status conference, a bench warrant was issued for his arrest. Approximately one month later, Mills was arrested on unrelated charges in Sauk County. Mills was convicted of various offenses in Sauk County and sentenced to seventeen months' initial confinement followed by two years' extended supervision. He received 512 days sentence credit for the time he spent in jail from the date of his arrest to the date of sentencing. In effect, he was sentenced to time served. Mills was then sent to Eau Claire County for disposition of this and other cases. A jury convicted Mills of attempted child enticement and the court imposed a sentence of seven years and six months' initial confinement and five years' extended supervision. Mills received credit for 341 days jail time. He filed a postconviction motion seeking an additional 512 days, arguing that his confinement in Sauk County should also be applied against his Eau Claire County sentence.

¶3 To receive sentence credit, an offender must establish that he was in custody and the custody was in connection with the course of conduct for which the sentence was imposed. *State v. Dentici*, 2002 WI App 77, ¶5, 251 Wis. 2d 436, 643 N.W.2d 180. An offender is generally not entitled to sentence credit for custody that was served in satisfaction of another unrelated sentence. WIS JI—CRIMINAL SM – 34A V. A. 3 (1995). When a court imposes a consecutive sentence, the time spent in custody on the earlier sentence is not “in connection with” the course of conduct and the defendant is not entitled to dual credit. *State v. Morricks*, 147 Wis. 2d 185, 186, 432 N.W.2d 654 (Ct. App. 1988). Rather, custody credits should be applied in a mathematically linear fashion and credited on a day-for-day basis against the total imposed consecutive sentences. *State v.*

*Boettcher*, 144 Wis. 2d 86, 100, 423 N.W.2d 533 (1988). Dual credit is not permitted when a defendant has already received credit against a sentence that has been or will be separately served. *State v. Jackson*, 2000 WI App 41, ¶¶18-19, 233 Wis. 2d 231, 607 N.W.2d 338. Because Mills' Eau Claire County sentence was not imposed until he had completed the initial confinement of Sauk County sentence, the Eau Claire sentence was, in effect, a consecutive sentence. Therefore, Mills was not entitled to dual sentence credit.

¶4 Mills cites *State v. Carter*, 2010 WI 77, 327 Wis. 2d 1, 785 N.W.2d 516, for the proposition that he is entitled to dual credit because he was held in custody on both the Eau Claire and Sauk County charges. *Carter* does not apply because it did not involve a dual credit situation. Carter received 305 days' credit for both his Illinois and Wisconsin case, but only for that time served prior to sentencing in the first Illinois case. *Id.* at ¶¶13 n.7, 17, 24 and 42.

*By the Court.*—Order affirmed.

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

