

this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2017-18).¹ Accordingly, the order is summarily affirmed.

On August 26, 2004, Robinson pled guilty to three counts of burglary and one count of forgery in Milwaukee County Circuit Court case No. 2004CF2389 (the burglary case), which is the case underlying this appeal. Robinson was sentenced on September 15, 2004, to two years of initial confinement and five years of extended supervision for each burglary, plus four years' imprisonment for the forgery, with all four sentences running concurrently to each other but consecutive to any other sentences Robinson was serving. Robinson was released to extended supervision in the burglary case on April 25, 2006.

On January 31, 2007, the Department of Corrections learned of new charges against Robinson, filed in two different cases: one count of battery and one count of obstructing an officer, both misdemeanors. Robinson was taken into custody on a supervision hold in the burglary case, and the Department sought to revoke Robinson's supervision in that case. The Department was unable to substantiate the battery allegations, though, and revocation in the burglary case was denied by an April 16, 2007 decision. On April 17, 2007, Robinson was released from the supervision hold in the burglary case.

Robinson was not, however, permitted to physically depart from confinement because there was a \$200 cash bond on each of the new misdemeanor charges, which Robinson had not posted.² The battery charge was eventually dismissed, and the obstructing charge was amended

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

² There may also have been an open arrest warrant for Robinson on one of the cases.

to a county ordinance violation. On June 14, 2007, Robinson pled guilty to the ordinance violation and was ordered to pay a \$100 forfeiture; he was released from custody that day.

In October 2007, Robinson's supervision in the burglary case was revoked for several rule infractions, and he was ordered returned to prison for one year. The revocation order awarded credit for the periods of January 31, 2007, through April 17, 2007, and July 23, 2007, the date Robinson was taken back into custody, through October 31, 2007, the date of the revocation order.

On August 14, 2018, Robinson's supervision for the burglary case was revoked again. He sought credit for the time period of April 17, 2007, to June 14, 2007. That request was denied because Robinson was not in custody for the burglary case during that period, he was in custody on the misdemeanors. Robinson appeals.

“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). Under this statute, the defendant must satisfy two conditions to receive sentence credit: (1) the defendant must have been “in custody” for the period in question, and (2) the time “in custody” must have been “in connection with the course of conduct for which the sentence was imposed.” See *State ex rel. Thorson v. Schwarz*, 2004 WI 96, ¶15, 274 Wis. 2d 1, 681 N.W.2d 914. The defendant has the burden to show he or she has satisfied both conditions. See *State v. Carter*, 2010 WI 77, ¶11, 327 Wis. 2d 1, 785 N.W.2d 516. Whether a defendant is entitled to sentence credit is a question of law we review *de novo*. See *State v. Brown*, 2010 WI App 43, ¶4, 324 Wis. 2d 236, 781 N.W.2d 244.

Robinson seeks credit against the burglary case for the time period of April 17, 2007, through June 14, 2007. He believes that, had he received such credit, he would have been discharged from the burglary sentence prior to August 14, 2018, so that supervision could no longer be revoked.

There is no dispute that Robinson was in custody from April 17, 2007, to June 14, 2007. Robinson has not, however, established that he was in custody *in connection with the burglary case* from April 17, 2007, to June 14, 2007. The supervision hold in the burglary case was lifted on April 17, 2007, after revocation was denied. This severed any link between the burglary sentence and Robinson's custody; Robinson would have been physically released from custody but for the pending misdemeanor charges. The fact that the misdemeanor cases were resolved in such a way that there was no period of imprisonment against which to credit these fifty-nine days does not entitle Robinson to credit on a sentence for which he was not in custody.³

Upon the foregoing, therefore,

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

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

Sheila T. Reiff
Clerk of Court of Appeals

³ Robinson additionally seeks a money judgment of \$131,000 and asks that we terminate his probation agent from her job. Aside from the fact that Robinson is not the prevailing party on appeal, he cites no legal authority to demonstrate he is entitled to such relief or that this court is empowered to provide it.