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DISTRICT I

August 31, 2021

To:

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Circuit Court Judge
Milwaukee County Courthouse
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Clerk of Circuit Court
Milwaukee County
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Anthony Clarence Woods 518197
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You are hereby notified that the Court has entered the following opinion and order:

2020AP697-CR

State of Wisconsin v. Anthony Clarence Woods
(L.C. # 2013CF4449)

Before Brash, C.J., Dugan and White, JJ.

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).

Anthony Clarence Woods, *pro se*, appeals an order denying him 721 days of credit against his sentence for a 2013 burglary. Based upon a review of the briefs and record, we conclude at conference that this matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).¹ We summarily affirm.

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

The circuit court initially sentenced Woods for burglary in this matter in July 2014, and ordered that he serve his eleven-year term of imprisonment consecutive to any other sentence. He did not receive an award of sentence credit at that time because all of his time in custody for this matter following his arrest on September 22, 2013, was credited against his earlier-imposed reconfinement term for a 2009 robbery. Following postconviction litigation in this matter, the circuit court resentenced Woods on February 23, 2017. The circuit court again imposed an eleven-year term of imprisonment, bifurcated as seven years of initial confinement and four years of extended supervision, and ordered Woods to serve the sentence consecutive to any other sentence. The circuit court subsequently awarded Woods a total of 520 days of credit against that sentence. The award constituted credit for time that he was imprisoned from September 23, 2015, the date on which he completed his reconfinement term for the 2009 robbery, until his resentencing in the instant case on February 23, 2017. Finally, on December 19, 2018, after considering a stipulation between Woods and the State, the circuit court modified the judgment of conviction in this matter, reducing Woods's initial confinement from seven years to five years.

Woods next filed the motion for sentence credit underlying this appeal. He sought an additional 721 days of sentence credit for the time he spent in custody following his 2013 arrest for burglary in the instant case, until he was discharged from his 2009 robbery sentence on September 23, 2015.² The circuit court rejected his claim on the ground that the days at issue

² Woods indicates that the 721-day period at issue began on September 22, 2013, and ended on September 23, 2015. We observe that the period he describes spanned 731 days. *See* <http://www.timeanddate.com>; *see also* WIS. STAT. § 902.01 (2)(b) (authorizing judicial notice of facts “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned”). Because we conclude that Woods is not entitled to sentence credit, we need not resolve this discrepancy.

had been properly credited towards his robbery sentence, and he was not entitled to dual credit for consecutive sentences. Woods appeals.

The State filed a respondent's brief in this court explaining why the circuit court properly denied Woods's motion for additional sentence credit. Woods did not file a reply brief or seek a briefing extension. We conclude that he concedes the accuracy of the State's arguments. *See State v. Chu*, 2002 WI App 98, ¶53, 253 Wis. 2d 666, 643 N.W.2d 878. In light of that concession, further discussion is not required.³ *See id.*

Therefore,

IT IS ORDERED that the postconviction 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 For the sake of completeness, we observe that, were we to consider the merits of Woods's claim, we would deny it. We agree with the State that Woods fails to show a right to sentence credit in this case for time that he spent in custody before he completed his term of reconfinement for robbery on September 23, 2015. *See State v. Boettcher*, 144 Wis. 2d 86, 87, 423 N.W.2d 533 (1988) (holding that when a convicted person receives consecutive sentences, "dual credit is not permitted[;] ... the time in custody is to be credited to the sentence first imposed [and]... [c]redit 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").