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**DISTRICT II**

December 22, 2021

To:

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Clerk of Circuit Court  
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You are hereby notified that the Court has entered the following opinion and order:

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2020AP1371-CR          State of Wisconsin v. William G. Bennett (L.C. #2018CF993)

Before Gundrum, P.J., Reilly and Grogan, 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).**

William G. Bennett appeals from a judgment of conviction and an order denying his postconviction motion. He challenges conditions of his extended supervision as well as the circuit court's finding of ineligibility for early release programming. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).<sup>1</sup> We affirm.

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

On July 12, 2018, Deputy Sean Collins of the Racine County Sheriff's Office responded to a report of a reckless driver. The complainant, SM, indicated that a truck had been following her "very closely" on the interstate for many miles and that she was "scared to exit."

Collins located SM's vehicle and saw the truck, which had a defective tail light, traveling behind her. SM exited the interstate and the truck followed her, driving over a curb as it negotiated a turn. Eventually, both SM's vehicle and the truck came to a stop.

When Collins approached the truck, he observed Bennett "nearly resting his head on the steering wheel." Bennett said he was "coming from his home, but was unsure of where he was going." He also said he "did not know the person in the car he was following, but later thought it might be a friend."

Collins was aware that Bennett had prior convictions for operating while intoxicated (OWI). When Bennett admitted to consuming beer an hour before the stop, Collins asked him to step out of the truck to perform field sobriety tests. Bennett got out and claimed to be "disoriented, lightheaded and dizzy." He was taken to a hospital where a blood draw revealed the presence of THC and Methamphetamine in his system.

Bennett was charged with multiple crimes, including OWI as a fourth offense and disorderly conduct. He subsequently pled guilty to the OWI charge, and the disorderly conduct charge was dismissed and read-in.

At sentencing, SM described how Bennett had "followed [her] very closely in a predatory nature for at least 40 miles." The circuit court, meanwhile, noted that one of Bennett's prior convictions involved following a female motorist, whom he had intended to rob and rape. It

further noted that, while in prison for that crime, Bennett wrote threatening letters to a different woman, telling her that he was “going to do sexual violence against her and her granddaughter.”

Ultimately, the circuit court sentenced Bennett to two years of initial confinement and three years of extended supervision. It imposed several conditions of extended supervision, including that Bennett (1) have no contact with SM’s family or property, (2) comply with sex offender treatment and registration, and (3) have no contact with women that now or previously had injunctions against him. It also found Bennett ineligible to participate in early release programming, citing the “gravity of the offense” and Bennett’s “failure on supervision in the past.”

Bennett filed a postconviction motion challenging the above conditions and finding of ineligibility for early release programming. After a hearing on the matter, the circuit court vacated the condition that Bennett have no contact with women that now or previously had injunctions against him. It denied the remainder of the motion. This appeal follows.

On appeal, Bennett renews the arguments made in his postconviction motion. We begin with his challenge to the circuit court’s conditions of extended supervision.

It is within the circuit court’s broad discretion to impose conditions of extended supervision as long as they are reasonable and appropriate. *State v. Miller*, 2005 WI App 114, ¶11, 283 Wis. 2d 465, 701 N.W.2d 47. Whether conditions are reasonable and appropriate is determined by how well they serve the dual goals of supervision: rehabilitation and protection of a state or community interest. *Id.*

Here, we are satisfied that the circuit court properly exercised its discretion in imposing the conditions of extended supervision at issue. Ordering Bennett to have no contact with SM's family or property<sup>2</sup> and requiring him to comply with sex offender treatment and registration<sup>3</sup> were reasonable and appropriate in light of the circumstances of the case and Bennett's prior conduct toward women. The conditions will help Bennett conform his behavior to the law and protect the community from future wrongdoing.

We turn next to Bennett's challenge to the circuit court's finding of ineligibility for early release programming. Bennett asks to be found eligible for the substance abuse program (SAP), which was formerly known as the earned release program. *See* 2011 Wis. Act 38, § 19.

The SAP is a prison treatment program that, upon successful completion, permits an inmate serving a bifurcated sentence to convert his or her remaining initial confinement time to extended supervision time. *See* WIS. STAT. § 302.05(3)(c)2. A circuit court exercises its discretion when determining a defendant's eligibility for this program, and we will sustain the court's conclusion if it is supported by the record and the overall sentencing rationale. *See State v. Owens*, 2006 WI App 75, ¶9, 291 Wis. 2d 229, 713 N.W.2d 187; WIS. STAT. § 973.01(3g).

As noted, the circuit court's finding of ineligibility was based on the "gravity of the offense" and Bennett's "failure on supervision in the past." These are permissible factors for a

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<sup>2</sup> Bennett suggests that the terms "family" and "property" are vague and overly broad. We disagree. A reasonable and practical construction of the terms, aided by references to the definitions found in the Wisconsin criminal statutes, are "sufficiently precise" for Bennett to "know what conduct is required of him." *State v. Lo*, 228 Wis. 2d 531, 535, 599 N.W.2d 659 (Ct. App. 1999).

<sup>3</sup> The registration requirement was not new to Bennett. Indeed, he had been required to register as a sex offender since at least 2005. Accordingly, the circuit court was simply ordering him to comply with an existing obligation.

sentencing court to consider. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The court further explained its reasoning at the postconviction motion hearing, stating:

[O]ne of the down[sides of the earned release programming is the release part. I have to cut down on the incarceration portion of the sentence in order for [Bennett] to be given the benefit of the programming. I am not willing to do that.

Mr. Bennett was sentenced to a very moderate sentence. And I believe that he should do every day of that sentence.

On this record, we cannot say that the court erroneously exercised its discretion in finding Bennett ineligible to participate in early release programming.<sup>4</sup>

Upon the foregoing reasons,

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*

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<sup>4</sup> To the extent we have not addressed an argument raised by Bennett on appeal, the argument is deemed rejected. *See State v. Waste Mgmt. of Wis., Inc.*, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978).

