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DISTRICT I

September 30, 2025

To:

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Circuit Court Judge
Electronic Notice

Michael J. Conway
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Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
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James Darrell Hayslett, Jr. 655166
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Green Bay, WI 54307-9033

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

2024AP559-CR

State of Wisconsin v. James Darrell Hayslett, Jr.
(L.C. # 2017CF2654)

Before White, C.J., Colón, P.J., and Geenen, J.

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).

James Darrell Hayslett, Jr., pro se, appeals a circuit court order that denied his motion requesting sentence modification. The circuit court determined that Hayslett failed to identify grounds for sentence modification and, to the extent that Hayslett sought to raise claims in addition to sentence modification, such claims were procedurally barred. Based upon our review of the briefs and record, we conclude at conference that this matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ We summarily affirm.

¹ All references to the Wisconsin Statutes are to the 2023-24 version unless otherwise noted.

In October 2017, Hayslett pled guilty to armed robbery as a party to a crime, and the matter proceeded to sentencing a few weeks later.² Hayslett faced a 40-year term of imprisonment and a \$100,000 fine. *See* WIS. STAT. §§ 943.32(2), 939.05, 939.50(3)(c) (2017-18). The sentencing court imposed 15 years of initial confinement and 7 years of extended supervision. Hayslett, by counsel, sought resentencing on the grounds that the sentencing court relied on inaccurate information about his willingness to name his co-actors and cooperate with law enforcement. The motion was unsuccessful, and Hayslett pursued an appeal under the no-merit procedures set forth in WIS. STAT. RULE 809.32. We affirmed. *State v. Hayslett*, No. 2019AP271-CRNM, unpublished op. and order (WI App Jan. 31, 2020).

Proceeding pro se, Hayslett next filed a series of documents requesting, variously, sentence credit, audiovisual recordings of court proceedings, and relief from the policies of the Department of Corrections. The circuit court denied his requests. Hayslett filed a notice of appeal but did not pursue it.

Hayslett next filed the postconviction motion underlying this appeal, asking the circuit court to modify his sentence to ten years of initial confinement and five years of extended supervision. As grounds, Hayslett asserted that the prosecutor misstated facts about the nature of the charge; and the sentencing court erred by relying on improper sentencing factors and by considering allegations that Hayslett was unwilling to name his co-actors. The circuit court denied the postconviction motion. Hayslett appeals.

² The sentencing proceeding in this case was consolidated with Hayslett's sentencing for two counts of burglary that were charged in a second case. Hayslett's burglary case is not before us.

A defendant may challenge a sentence on any ground if litigating pursuant to either WIS. STAT. § 973.19, or WIS. STAT. § 974.02, but the defendant must mount the challenge within 90 days after sentencing, if proceeding under § 973.19, or within the deadlines set forth in WIS. STAT. RULE 809.30, if proceeding under § 974.02. After those statutory deadlines have expired, a circuit court retains inherent authority to modify a sentence “within certain narrowly defined limits.” *State v. Schwind*, 2019 WI 48, ¶20, 386 Wis. 2d 526, 926 N.W.2d 742. Thus, a circuit court has inherent authority to modify a sentence upon proof of a “new factor,” or a showing that the sentence is illegal or void, or a showing that the sentence is unduly harsh or unconscionable. *State v. Harbor*, 2011 WI 28, ¶35 & n.8, 333 Wis. 2d 53, 797 N.W.2d 828 (citation omitted).

Here, the statutory deadlines set forth in WIS. STAT. § 973.19 and WIS. STAT. RULE 809.30 have expired. Further, Hayslett does not contend that he relied on any of the grounds set forth in *Harbor* that permit a circuit court to modify a sentence as an exercise of inherent authority. He asserts instead that he “filed the motion on the notion of an abuse of discretion,” and he argues that a circuit court has inherent authority to modify a sentence at any time upon a showing of an erroneous exercise of discretion. In support, he directs our attention to *State v. Grindemann*, 2002 WI App 106, 255 Wis. 2d 632, 648 N.W.2d 507.

Hayslett misunderstands *Grindemann*. That case, like *Harbor*, recognizes that a circuit court may modify a sentence upon concluding that “the sentence was unduly harsh or unconscionable.” *Grindemann*, 255 Wis. 2d 632, ¶21 (citation omitted). Such a conclusion requires the circuit court first to determine that “the sentence is so excessive and unusual and so disproportionate to the offense committed as to shock public sentiment and violate the judgment of reasonable people concerning what is right and proper under the circumstances.” *Id.*, ¶31

(citation omitted). However, as *Grindemann* explains, “[a] sentence well within the limits of the maximum sentence is not so disproportionate to the offense committed as to shock the public sentiment and violate the judgment of reasonable people concerning what is right and proper under the circumstances.” *Id.* (citation omitted; alteration in original). The 22-year term of imprisonment that Hayslett received in this case was well within the limits of the 40-year maximum term of imprisonment that he faced. *Grindemann* therefore does not provide Hayslett with grounds for relief.

As did the circuit court, we have considered whether Hayslett’s motion for sentence modification can be construed as a motion under WIS. STAT. § 974.06, which permits an incarcerated person to seek postconviction relief on constitutional or jurisdictional grounds after the time for a direct appeal has passed. *See* § 974.06(1). We agree with the circuit court that such a construction would not aid Hayslett. If we treat his motion as seeking relief under § 974.06, his claims would be procedurally barred.

A person may not bring claims under WIS. STAT. § 974.06 if the person could have raised the claims in a previous postconviction motion or on direct appeal unless the person states a “sufficient reason” for failing to raise or adequately address those claims in the earlier litigation. *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 181-82, 517 N.W.2d 157 (1994) (citing § 974.06(4)). “A no-merit appeal clearly qualifies as a previous motion under § 974.06(4).” *State v. Allen*, 2010 WI 89, ¶41, 328 Wis. 2d 1, 786 N.W.2d 124. Hayslett was therefore required to state a sufficient reason for serial litigation within the four corners of his postconviction motion before he could pursue claims under § 974.06. *See State v. Romero-Georgana*, 2014 WI 83, ¶¶30, 64, 360 Wis. 2d 522, 849 N.W.2d 668. Hayslett’s postconviction

motion, however, did not include any reason, let alone a sufficient reason, for Hayslett’s failure to allege or develop his claims earlier.

Hayslett now seeks to satisfy the requirements of WIS. STAT. § 974.06 and *Escalona-Naranjo* by offering a reason for serial litigation in his appellate briefs. That effort comes too late. This court “will not read into the § 974.06 motion allegations that are not within the four corners of the motion.” *Romero-Georgana*, 360 Wis. 2d 522, ¶64.

For all the foregoing reasons,

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.

Samuel A. Christensen
Clerk of Court of Appeals