



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV

June 25, 2026

To:

Hon. Wendy J.N. Klicko
Circuit Court Judge
Electronic Notice

Brian Keenan
Electronic Notice

Carrie Wastlick
Clerk of Circuit Court
Sauk County Courthouse
Electronic Notice

Daniel Z. Maldonado
Electronic Notice

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

2025AP1858

Daniel Z. Maldonado v. Wisconsin Department of Corrections
(L.C. # 2021CV229)

Before Graham, P.J., Blanchard, and Taylor, 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).

Daniel Maldonado appeals a circuit court order denying several motions for relief that he filed in this mandamus action. After reviewing the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ We summarily affirm the order of the circuit court.

Maldonado was convicted in 2002 in Sauk County Circuit Court Case No. 2002CF186 of two felony counts of causing a child to view sexual activity. He was ordered to register as a sex

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

offender. In 2019, the Department of Corrections (the Department) informed Maldonado by letter that he is required to comply with the sex offender registry for his lifetime. At the time the Department sent the letter, WIS. STAT. § 301.45(5)(b)1. (2019-20) provided that a person is required to register as a sex offender for life if that “person has, on 2 or more separate occasions, been convicted or found not guilty or not responsible by reason of mental disease or defect for a sex offense.”

In 2021, Maldonado petitioned the circuit court for a writ of mandamus against the Department, arguing that the Department was unlawfully requiring him to register as a sex offender for his lifetime based on his two convictions in Case No. 2002CF186. The court denied the writ petition, citing a Wisconsin Attorney General opinion determining that “separate occasions” in the sex offender registration statute includes multiple qualifying convictions imposed at the same time in the same case. *See* Wis. Op. Att’y Gen. to Jon E. Litscher, Sec’y of the Wis. DOC, OAG-02-17 (Sept. 1, 2017).

Maldonado appealed the circuit court order denying his petition for a writ of mandamus. On June 15, 2023, we issued a per curiam opinion reversing the circuit court order “insofar as the order permitted the Department to continue requiring Maldonado to register as a sex offender for his lifetime based on Sauk County Circuit Court [C]ase No. 2002CF186.” We relied on the Wisconsin Supreme Court’s holding in *Rector* that, “when a person is convicted based on charges filed in a single case during the same hearing, then those convictions have not occurred on ‘separate occasions.’” *State v. Rector*, 2023 WI 41, ¶19, 407 Wis. 2d 321, 990 N.W.2d 213. We concluded that Maldonado’s two sex offenses in Case No. 2002CF186 did not trigger the lifetime sex offender registry requirement because the offenses did not occur on “2 or more separate occasions” as provided in WIS. STAT. § 301.45(5)(b)1. (2021-22).

On remand, the circuit court issued an order stating that Maldonado’s “writ of mandamus is granted insofar as the Department may not require him to register for his lifetime based on his two convictions in Sauk County Circuit Court Case No. 2002CF186.” For a brief period of time after *Rector* was released, Maldonado was not required to register as a sex offender for life. However, in February 2024, the state legislature passed 2023 Wis. Act 254, which included an amendment to WIS. STAT. § 301.45(5)(b)1. that removed the “separate occasions” language from the statute. As amended, § 301.45(5)(b)1. now states that lifetime sex offender registration is required when the “person has been convicted 2 or more times, including convictions that were part of the same proceeding, occurred on the same date, or were included in the same criminal complaint, for a sex offense” The statute applies retroactively to a person “convicted or adjudicated delinquent on or after December 25, 1993, for a sex offense.” WIS. STAT. § 301.45(1g)(a).

In the wake of the statutory change, the Department again attempted to enforce the lifetime sex offender registry requirement for Sauk County Circuit Court Case No. 2002CF186. In response, Maldonado filed multiple motions and supporting documents in the circuit court, requesting that the court order the Department to cease attempting to enforce the lifetime sex offender registry requirement as applied to his convictions in 2002CF186, and further requesting that the Department remove his name and personal information from the registry. Maldonado presented a variety of constitutional and other arguments in support of his requests for relief. We construe Maldonado’s motions and supporting documents as a renewed request for a writ of mandamus, both because the motions were filed within the mandamus action he initiated in 2021 and because the relief he seeks is to compel action from Department officials. *See Law Enforcement Standards Bd. v. Lyndon Station*, 101 Wis.2d 472, 493-94, 305 N.W.2d 89

(1981) (mandamus is used to compel public officers to perform duties arising out of their offices).

A circuit court's denial of a petition for a writ of mandamus will be affirmed unless the court erroneously exercised its discretion. *Miller v. Smith*, 100 Wis. 2d 609, 621-22, 302 N.W.2d 468 (1981). A petitioner seeking a writ of mandamus must demonstrate: (1) a clear legal right to the relief sought; (2) a positive and plain legal duty; (3) substantial damages due to the nonperformance of the duty; and (4) no other adequate legal remedy is available.

Here, Maldonado has not shown that the circuit court had a positive and plain legal duty to order the Department to remove Maldonado from the sex offender registry or to cease enforcement of the requirement that he remain registered for his lifetime. To the contrary, WIS. STAT. § 301.45(5)(b)1., as amended, provides that a person is subject to the lifetime registry requirement when the “person has been convicted 2 or more times, including convictions that were part of the same proceeding[,]” as is the case with Maldonado. Section 301.45(1g)(a) explicitly provides that the amended registry requirement is to be applied retroactively to persons convicted after December 25, 1993. Maldonado, with his two 2002 sex offense convictions, fits into this category. The court, therefore, did not erroneously exercise its discretion when it applied these provisions to Maldonado's situation and concluded that he is required to register as a sex offender for life.

Additionally, in the order that Maldonado is appealing, the circuit court states that it is denying relief “[f]or the reasons stated on the record,” referring to the hearing held on August 14, 2025. Maldonado has failed to supply a transcript of the August 14, 2025 hearing and, therefore, we are unable to review the court's oral ruling. It is the appellant's duty to ensure that the record is sufficient to address the issues raised on appeal. *See State Bank of Hartland v. Arndt*, 129

Wis. 2d 411, 423, 385 N.W.2d 219 (Ct. App. 1986). In the absence of a transcript, this court must assume that every fact essential to sustain the circuit court’s exercise of discretion is supported by the record. *See Austin v. Ford Motor Co.*, 86 Wis. 2d 628, 641, 273 N.W.2d 233 (Wis. 1979).

Maldonado also argues in his appellate brief that he received constitutionally ineffective assistance of trial counsel. Maldonado cannot make such a collateral attack on his conviction in a civil action, and we reject the ineffective assistance of counsel argument on that basis. *See State ex rel. Rothering v. McCaughtry*, 205 Wis. 2d 675, 681, 556 N.W.2d 136 (Ct. App. 1996) (holding that ineffective assistance claim “should be raised in the trial court either by a petition for habeas corpus or a motion under [WIS. STAT.]§ 974.06.”).

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

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

Samuel A. Christensen
Clerk of Court of Appeals