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DISTRICT III

July 21, 2026

To:

Hon. David G. Miron
Circuit Court Judge
Electronic Notice

Caroline Brazeau
Clerk of Circuit Court
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Keith A. Martin 475022
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You are hereby notified that the Court has entered the following opinion and order:

2025AP1392-CR

State of Wisconsin v. Keith A. Martin (L. C. No. 2016CF143)

Before Stark, P.J., Hruz, and Gill, 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).

Keith Martin appeals from an order that denied his petition for sentence adjustment on the grounds that the district attorney opposed the petition and it was contrary to the public interest. He contends that the circuit court failed to adequately articulate the basis for its decision. Specifically, he contends that the court failed to consider the public interest by taking into account the structured point system used for community custody determinations, Martin's eligibility for work release privileges, and his rehabilitation progress made while in prison. 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 (2023-24).¹ We affirm on the ground that the record as a whole supports the court's exercise of its discretion.

An inmate may seek sentence adjustment after serving a designated portion of his or her sentence based upon: (1) having made progress in conduct, rehabilitation, treatment, education, or other correctional programming; (2) a change in the law that would have resulted in a shorter term of confinement at the time of sentencing; (3) facing a sentence of confinement in another state or deportation; or (4) the interests of justice. WIS. STAT. § 973.195(1r)(b). In exercising its discretion whether to grant a sentence adjustment petition, the circuit court should consider general sentencing factors, such as the nature of the crime, the character of the offender, the protection of the public, and the positions of the State and the victim, in addition to facts related to the asserted ground. *See State v Stenklyft*, 2005 WI 71, ¶126, 281 Wis. 2d 484, 697 N.W.2d 769 (Crooks, J., concurring in part; dissenting in part; writing for the majority on this issue).

We review a circuit court's exercise of its sentencing discretion to determine whether the court rationally applied the proper standards of law to the facts of record and inferences reasonably derived therefrom. *McCleary v. State*, 49 Wis. 2d 263, 277, 182 N.W.2d 512 (1971). If the court failed to adequately explain the reasons for the sentence it has imposed, we are obliged to search the record to determine whether the sentence could be sustained in the exercise of proper discretion. *Id.* at 282. Therefore, in order to overturn a sentencing decision, a defendant generally must show that the record contains an unreasonable or unjustifiable basis for

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

the circuit court's action. *State v. Schreiber*, 2002 WI App 75, ¶9, 251 Wis. 2d 690, 642 N.W.2d 621.

Here, the circuit court denied Martin's sentence adjustment petition by checking boxes on a standardized form, which stated that the district attorney objected to sentence adjustment and sentence adjustment would not be in the public interest. Although the form order does not fully explain the court's reasoning process for why adjustment would not be in the public interest, it does not show any unreasonable or unjustifiable basis for the court's decision, which is otherwise supported by the record.

At the time of the original sentencing, the circuit court² emphasized the serious nature of Martin's offense, taking into account the traumatic impact on the victim and the violation of trust involved in the sexual assault of a child. The court also discussed Martin's lengthy criminal record and his poor history on supervision. The court then imposed a sentence in excess of that recommended by either the parties or the PSI author, and it determined that Martin would not be eligible for the Challenge Incarceration Program or the Substance Abuse Program. In doing so, the court observed that Martin was "going to get a definition of what bad time is," which we understand to mean that the court intended Martin to serve his entire sentence.

Martin argues that the circuit court erroneously exercised its discretion when deciding his petition because it did not discuss the materials he attached to his petition, which he believes showed that he had made progress toward rehabilitation by completing cognitive behavioral

² We note that the Honorable David Miron presided over the original sentencing, while the Honorable Peggy Miller decided the sentence adjustment petition. Judge Miron's comments at the sentencing hearing were properly part of the record before Judge Miller, however.

programming and other classes. All of the factors from the original sentencing still applied to the sentence adjustment petition, however, and the court could reasonably conclude that those factors outweighed any treatment or training progress Martin made.

Martin also argues that the circuit court relied upon an “incomplete record” because it did not take into account his most recent custody classification evaluation, which noted that he would qualify for minimum community custody if not for a mandatory restrictor that applied because Martin was still waiting for sex offender treatment. The evaluation (which Martin has submitted to this court in his appendix) was dated *after* the court’s decision, however. Therefore, it was not before the circuit court and is properly excluded from the appellate record and our consideration.

Upon the foregoing,

IT IS ORDERED that the order is summarily affirmed. 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