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DISTRICT I

July 21, 2026

To:

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Circuit Court Judge
Electronic Notice

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

2023AP2431-CR

State of Wisconsin v. Jack Boo Williams (L.C. # 1993CF931789)

Before Donald, 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).

Jack Boo Williams, pro se, appeals from an order of the circuit court that granted him additional sentence credit and denied reconsideration. Williams contends that when the circuit court granted the requested credit, “it failed to amend his sentence under [WIS. STAT.] § 973.014(1)(a).” 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 The order is summarily affirmed.

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

On February 7, 1994, the circuit court sentenced Williams to life imprisonment following his conviction on one count of first-degree intentional homicide. The court further determined Williams would be eligible for parole after serving thirty-five years and set February 7, 2029, as his initial eligibility date. *See* WIS. STAT. § 973.014(1)(b) (1993-94).² The court also ordered 327 days of sentence credit.

In June 2023, Williams filed a motion to modify his sentence, asking that his parole eligibility date be set 327 days earlier than February 7, 2029. The circuit court granted the request and entered an amended judgment of conviction that “orders the eligibility date for 327 days earlier than the date that was set at sentencing[.]” Williams moved for reconsideration, asserting that “in order for his sentence to be properly amended it must be under” WIS. STAT. § 973.014(1)(a). The circuit court entered an order, memorializing its original decision on Williams’ credit request and denying reconsideration. Williams appeals.

Williams was sentenced in February 1994. Under the law in effect at that time, a trial court sentencing a person to life imprisonment was required to make a parole eligibility

² WISCONSIN STAT. § 973.014 (1993-94) provides, in part:

Sentence of life imprisonment; parole eligibility determination.

(1) Except as provided in sub. (2), when a court sentences a person to life imprisonment for a crime committed on or after July 1, 1988, the court shall make a parole eligibility determination regarding the person and choose one of the following options:

(a) The person is eligible for parole under [WIS. STAT. §] 304.06(1).

(b) The person is eligible for parole on a date set by the court. Under this paragraph, the court may set any later date than that provided in [§] 304.06(1), but may not set a date that occurs before the earliest possible parole eligibility date as calculated under [§] 304.06(1).

determination regarding the person, choosing one of two options. See WIS. STAT. § 973.014(1) (1993-94). The first option was to specify that the person was eligible for parole under WIS. STAT. § 304.06(1) (1993-94), which provides in relevant part that “the parole commission may parole an inmate serving a life term when he or she has served 20 years” and “shall be given credit for time served prior to sentencing[.]” The second option was for the circuit court to set a specific parole eligibility date that does not occur “before the earliest possible parole eligibility date as calculated under [§] 304.06(1).” See § 973.014(1)(b) (1993-94). Williams was sentenced under the second option.

About a year before Williams was sentenced, this court decided *State v. Chapman*, 175 Wis. 2d 231, 499 N.W.2d 222 (Ct. App. 1993). In that case, the trial court sentenced Chapman to life in prison with a specific parole eligibility date and declined to grant Chapman 301 days of pretrial sentence credit. *Id.* at 239. On appeal, Chapman argued that “after the trial court sets the parole eligibility date, the amount of time served in presentence confinement must be subtracted from the specific parole eligibility date to arrive at his actual parole eligibility date” as a matter of equal protection. *Id.* at 244-45. After discussing the rational basis for separate classes of parolee under WIS. STAT. § 973.014 (1993-94), we concluded that the public policy behind § 973.014(1)(b) (1993-94) ³ “would be frustrated by giving a defendant credit for presentence incarceration after the trial court establishes a parole eligibility date.” See *Chapman*, 175 Wis. 2d at 248.

³ The specific statutory reference in *State v. Chapman*, 175 Wis. 2d 231, 248, 499 N.W.2d 222 (Ct. App. 1993), is to WIS. STAT. § 973.014(2) (1989-90); that subsection was subsequently renumbered to § 973.014(1)(b) by 1993 Wis. Act 289, § 11.

Relying on *Chapman*, Williams reasons that a person who is sentenced under WIS. STAT. § 973.014(1)(b) is not entitled to sentence credit once a parole eligibility date is set by the court, but the circuit court awarded him sentence credit, so his sentence must now be a sentence under § 973.014(1)(a). Presumably, the reason this makes a difference to Williams is because under § 973.014(1)(a), a person serving a life sentence is first eligible for parole after serving twenty years, meaning Williams could petition for parole now, rather than waiting for 2028 or 2029.⁴

However, *Chapman* does not mean that the trial court is forbidden from providing sentence credit to a defendant sentenced under WIS. STAT. § 973.014(1)(b), although it will look different from the more typical credit awarded under WIS. STAT. § 973.155. “[I]n an appropriate exercise of the trial court’s discretion, it may, or it may not, give actual credit for presentence incarceration.” *State v. Seeley*, 212 Wis. 2d 75, 87, 567 N.W.2d 897 (Ct. App. 1997). That is, the trial court may factor in any sentence credit a defendant might otherwise receive in its calculation of a parole eligibility date, but “‘giving credit’ does not always require a mathematical reduction of the sentence on the record, as a day for day equilibration with the presentence incarceration.” *Id.* In other words, “credit” towards a § 973.014(1)(b) sentence must be factored in when the trial court is setting a parole eligibility date; the defendant it is not entitled to later credit from a separate award.

Here, the circuit court explained that *Chapman* was new at the time it imposed sentence, and it could not recall what impact it thought or intended the credit would have on Williams’ parole eligibility. The court explained that it was “very possible [it] assumed that the credit

⁴ 327 days earlier than February 7, 2029, is March 17, 2028.

would affect the release date and that the sentence imposed may have been based on a mistake about the need for a specific finding as to the effect of the credit,” so it granted Williams’ motion.

In other words: the circuit court could not recall whether it fully understood the impact of *Chapman* on the relationship between a specific parole eligibility date under WIS. STAT. § 973.014(1)(b) (1993-94) and sentence credit in this case, so it gave Williams the benefit of the doubt and assumed it had expected his eligibility date would be moved back by the number of days of credit, and resolved the motion in his favor. This resolution has no other impact on Williams’ sentence, and it does not mean his sentence was imposed under § 973.014(1)(a).

Upon the foregoing, therefore,

IT IS ORDERED that the 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