COURT OF APPEALS
DECISION
DATED AND FILED

March 2, 2006

Cornelia G. Clark
Clerk of Court of Appeals

Appeal No. 2005AP2358-CR **Cir. Ct. No. 2002CF46**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT IV

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

TYLON C. CHRISTIAN,

DEFENDANT-APPELLANT.

APPEAL from a judgment and an order of the circuit court for Iowa County: WILLIAM D. DYKE, Judge. *Affirmed.*

Before Lundsten, P.J., Deininger and Higginbotham, JJ.

¶1 PER CURIAM. Tylon Christian appeals a judgment convicting him of auto theft, and an order denying his postconviction motion for a reduced sentence. The issue is whether the trial court properly denied his postconviction motion without a hearing. We affirm.

¶2 Christian received a ten-year sentence on his conviction, with five years of initial confinement. He sought a reduced sentence because the length of his sentence delayed his entry into rehabilitation and treatment programs until the last two years of his initial confinement. He argued that the delay defeated the sentencing court's goal of rehabilitation in prison, and asked for relief on two grounds: (1) that the court did not adequately consider his eligibility for certain treatment programs when passing sentence, and (2) that the rehabilitation delay constituted a new factor. The court denied relief in a one-sentence written order, entered without a hearing.

¶3 In ***State v. Gallion***, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197, the supreme court reaffirmed the sentencing court's obligation to present a rational and explainable basis for the sentence it imposes. Christian contends here that the ***Gallion*** standard applies to decisions on postconviction motions for reduced sentences, and the trial court did not meet that standard with its terse order, entered without a hearing. However, nothing in ***Gallion*** states or implies that its holding extends to proceedings on a postsentence motion.

¶4 Instead, the standard for denying postconviction motions without a hearing remains as follows: whether the motion alleges sufficient facts to warrant relief, or whether the record conclusively demonstrates that the defendant is not entitled to relief on the facts alleged. ***State v. Allen***, 2004 WI 106, ¶12, 274 Wis. 2d 568, 682 N.W.2d 433. Here, the record conclusively demonstrates that the trial court imposed a long sentence for reasons unrelated to Christian's eligibility for prison treatment programs. To the extent the court considered rehabilitation, it expressed no concern over the timing of Christian's treatment during his confinement. Christian is, in effect, contending that the sentencing court believed it important for him to participate in treatment during the early

stages of his confinement, but nothing in the record at sentencing supports that assertion. In short, the trial court properly concluded that a hearing was unnecessary to deny Christian's motion.

¶5 Christian also suggests, briefly, that the trial court failed to sufficiently consider an alleged new factor concerning some sort of problem with Christian's parole in an unrelated case. Christian mentions this issue but does not develop it, and we therefore decline to consider it. *See* ***Associates Financial Servs. Co. v. Brown***, 2002 WI App 300, ¶4 n.3, 258 Wis. 2d 915, 656 N.W.2d 56. (Noting that we generally do not consider conclusory and undeveloped issues).

By the Court.—Judgment and order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.