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DISTRICT II

May 21, 2025

To:

Hon. Emily S. Mueller
Reserve Judge

Donald V. Latorraca
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Justin D. Beaton
Electronic Notice

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

2023AP2143-CR

State of Wisconsin v. Justin D. Beaton (L.C. #2016CF384)

Before Gundrum, P.J., Neubauer, and Lazar, 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).

Justin D. Beaton appeals from an order of the circuit court denying his postconviction motion. He asked the court to remove him from the sex offender registry. 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.

In 2017, Beaton was convicted of one count of sexual assault of a student by school staff and one count of exposing a child to harmful material. The circuit court withheld sentence and

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

placed Beaton on probation for three years. The Department of Corrections discharged Beaton from probation in 2021.

In 2023, Beaton petitioned for sentence adjustment pursuant to WIS. STAT. § 973.195, asking to be removed from the sex offender registry. Beaton is required by statute to register as a sex offender until 2036, fifteen years after his discharge from probation, based on the crimes of which he was convicted. *See* WIS. STAT. § 301.45(5)(a)1. The circuit court denied his motion.

WISCONSIN STAT. § 973.195(1r)(a) allows “an inmate who is serving a sentence imposed under [WIS. STAT. §] 973.01” to petition the circuit court for sentence adjustment. Beaton was not serving a sentence imposed under § 973.01, which discusses bifurcated sentences of imprisonment and extended supervision, because he was not given a bifurcated sentence. He was placed on probation, from which he was discharged in 2021.

Moreover, WIS. STAT. § 973.195(1r)(g) specifies that “the only sentence adjustments that a court may make under this subsection” include a “reduction in the term of confinement ... and a corresponding increase in the term of extended supervision.” The statute does not give the circuit court authority to shorten the time that a person is required by statute to remain on the sex offender registry or to terminate a sex offender’s reporting obligations.

Therefore,

IT IS ORDERED that the order of the circuit court 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