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**DISTRICT I**

November 25, 2025

To:

Hon. Daniel L. Konkol  
Circuit Court Judge  
Electronic Notice

Sonya Bice  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Ronald Marion Carpenter 512872  
New Lisbon Correctional Inst.  
P.O. Box 2000  
New Lisbon, WI 53950-2000

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

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2024AP111-CR

State of Wisconsin v. Ronald Marion Carpenter  
(L.C. # 2007CF5359)

Before White, 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).**

Ronald Marion Carpenter, pro se, appeals an order that denied his motion for sentence modification and an order that denied his subsequent motion for reconsideration. The circuit court determined that Carpenter failed to establish grounds for sentence modification in his original motion and that his motion to reconsider impermissibly sought to raise new issues. 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).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

In 2008, a jury found Carpenter guilty of ten felonies: kidnapping; false imprisonment; four counts of first-degree sexual assault as a party to a crime; and four counts of second-degree sexual assault by use of force. He pursued a direct appeal with the assistance of counsel, alleging that he was denied a public trial. We affirmed. *State v. Carpenter (Carpenter I)*, No. 2009AP2496-CR, unpublished slip op. (WI App Apr. 13, 2011).

Carpenter subsequently mounted numerous collateral attacks on his convictions. We rejected the claims that reached this court. *State ex rel. Carpenter v. Haines (Carpenter II)*, No. 2012AP2274-W, unpublished op. and order (WI App Jan. 18, 2013); *State v. Carpenter (Carpenter III)*, No. 2017AP1834, unpublished op. and order (WI App Dec. 18, 2018); *State v. Carpenter (Carpenter IV)*, No. 2020AP1207, unpublished op. and order (WI App Oct. 25, 2022).<sup>2</sup>

In October 2023, Carpenter submitted a letter to the circuit court asking for “some kind of relief” because he was innocent and in poor health. As legal authority, he cited a 1997 decision of a federal court of appeals. The circuit court’s staff initially responded to Carpenter, and he then filed a second letter asking the circuit court to construe his letters as a motion for sentence modification because he “ha[d] an extraordinary health condition.” Carpenter also reiterated his reliance on the federal decision that he had previously cited. The circuit court denied Carpenter’s motion, holding that Carpenter had failed to set forth a new factor warranting sentence modification. The circuit court further explained to Carpenter that the federal case he

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<sup>2</sup> The record shows that Carpenter pursued several unsuccessful postconviction motions in the circuit court without challenging the adverse orders by appeal. He also unsuccessfully pursued a writ of habeas corpus in federal court. *Carpenter v. Douma (Carpenter V)*, 840 F.3d 867 (7th Cir. 2016).

cited concerned guilty pleas in federal court and thus was irrelevant to his convictions, which followed a jury trial in Wisconsin state court.

Carpenter moved for reconsideration. As grounds, he alleged that he was entitled to sentence modification because the State had engaged in vindictive prosecution by adding eight charges after he rejected a plea agreement. The circuit court denied the motion, explaining that a request for reconsideration is not a vehicle for pursuing new issues. Carpenter appeals, challenging the orders denying his motions for sentence modification and for reconsideration.

Carpenter asserts in this court that he presented new factors to the circuit court warranting sentence modification. A new factor is “a fact or set of facts highly relevant to the imposition of sentence, but not known to the trial judge at the time of original sentencing, either because it was not then in existence or because ... it was unknowingly overlooked by all of the parties.” *State v. Harbor*, 2011 WI 28, ¶40, 333 Wis. 2d 53, 797 N.W.2d 828 (citation omitted). A two-prong analysis governs the claim. *Id.*, ¶36. The defendant must demonstrate by clear and convincing evidence that a new factor exists. *Id.* This presents a question of law for our de novo review. *Id.*, ¶¶33, 36. If a new factor exists, the defendant must demonstrate that it justifies sentence modification. *Id.*, ¶38. This determination rests in the circuit court’s discretion, and we review the circuit court’s decision for an erroneous exercise of discretion. *Id.*, ¶33.

Carpenter argues in his appellate briefs that he should prevail on his new factor claims because: (1) he was deprived of the opportunity for cross-examination when the State added eight charges after the preliminary hearing; (2) the State presented “insufficient evidence of aiding and abetting others”; (3) the “circuit court failed to rely on hearsay evidence” at sentencing; (4) the trial judge tampered with the jury; and (5) the trial judge’s jury tampering

prejudiced Carpenter and deprived him of a fair trial and sentencing. Carpenter, however, fails to offer an analysis demonstrating that any of these allegations constitute a new factor, as that term is defined in *Harbor*.

Moreover, and more importantly, the claims in Carpenter’s appellate briefs are not the claims that Carpenter raised in the circuit court as grounds for sentence modification. Indeed, his appellate briefs fail to address those claims. Instead, he seeks to raise a new set of claims based on allegations of error at his trial and sentencing.

Issues raised in the circuit court are deemed abandoned if they are not briefed in the court of appeals. *State v. Ayala*, 2011 WI App 6, ¶22, 331 Wis. 2d 171, 793 N.W.2d 511. We therefore do not consider the claims that Carpenter presented to the circuit court but failed to address in his appellate briefs. *See id.* Moreover, “issues not raised in the circuit court will not be considered for the first time on appeal.” *State v. Dowdy*, 2012 WI 12, ¶5, 338 Wis. 2d 565, 808 N.W.2d 691. We therefore also do not consider the claims that Carpenter raised in his appellate briefs without first presenting them to the circuit court in the postconviction submissions underlying this appeal.<sup>3</sup> *See id.*

In light of the foregoing, Carpenter’s briefs do not properly present any claims for our review. Carpenter therefore has not demonstrated that he is entitled to relief. Accordingly, we affirm.

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<sup>3</sup> To the extent that Carpenter’s appellate briefs seek to renew arguments that Carpenter made in earlier postconviction circuit court motions or in his prior litigation in this court, he may not do so. *See State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991) (explaining that “[a] matter once litigated may not be relitigated in a subsequent postconviction proceeding no matter how artfully the defendant may rephrase the issue”).

IT IS ORDERED that the postconviction orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*