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DISTRICT IV

January 15, 2026

To:

Hon. Brian A. Pfitzinger
Circuit Court Judge
Electronic Notice

Julie Kayartz
Clerk of Circuit Court
Columbia County Courthouse
Electronic Notice

Kathleen E. Wood
Electronic Notice

Robert J. Artis 526194
Fox Lake Minimum Correctional Inst.
P.O. Box 200
Fox Lake, WI 53933-0200

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

2024AP1919-CR

State of Wisconsin v. Robert J. Artis (L.C. # 2010CF260)

Before Graham, P.J., Blanchard, and Taylor, 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).

Robert Artis appeals from a circuit court order denying his motion for reconsideration of the court's previous order denying modification of an amended judgment. Based on our review of the briefs and record, we conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ Because Artis has not demonstrated a manifest error of law or fact in the circuit court's previous order, we summarily affirm.

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

In 2012, Artis was convicted of multiple crimes and sentenced to a total of 22 years of confinement followed by 12 years of extended supervision. His judgment of conviction indicated eligibility for the Substance Abuse Program (SAP), but he was statutorily eligible for the SAP on only the first of his consecutive sentences.² *See WIS. STAT. § 302.05(3)(a)(1)* (providing that the SAP is not available to inmates incarcerated for crimes specified in WIS. STAT. ch. 940). Artis asserts that, after he began serving his sentence, he was informed of a new Department of Corrections (DOC) policy that allows inmates to participate in the SAP so long as their ineligible sentences are served prior to their eligible sentences.

In 2024, Artis filed a series of motions aimed at restructuring his sentence in order to take advantage of the SAP. He did not timely appeal a February 26, 2024 order denying his motion for sentence modification based on the DOC policy described above, which he asserted was a new factor. Nor did he appeal a May 15, 2024 order denying his motion to amend his judgment of conviction to change the order in which his consecutive sentences would be served. Artis did file two motions for reconsideration of the May order and what the circuit court characterized as “a myriad of motions that deal with his ability to participate in the [SAP].”

On June 13, 2024, the circuit court denied reconsideration of its earlier decisions and amended the judgment of conviction to indicate that Artis is not eligible for the SAP based on the transcript of the sentencing hearing. Again, Artis did not appeal this order or the amended

² Artis’s first sentence of 18 years’ initial confinement was for armed robbery with use of force in violation of WIS. STAT. § 943.32(2). He received various shorter sentences to be served concurrently with that sentence. He also received several sentences for violations of WIS. STAT. ch. 940 to be served concurrently with each other and consecutive to the sentence for armed robbery.

judgment of conviction. Instead, he sought reconsideration, filing a motion that challenged the court's reasoning and requested that the court hold its own hearing to determine SAP eligibility.³

The circuit court denied this motion for reconsideration in an order dated September 17, 2024. The court explained that, after hearing argument from Artis and considering the sentencing transcript, it determined that the sentencing court did not intend to make Artis eligible for the SAP. It is this September 2024 order denying reconsideration that is the subject of this appeal.

We review a circuit court's decision on a motion for reconsideration for an erroneous exercise of discretion. *Koepsell's Olde Popcorn Wagons, Inc. v. Koepsell's Festival Popcorn Wagons, Ltd.*, 2004 WI App 129, ¶6, 275 Wis. 2d 397, 685 N.W.2d 853. A successful motion for reconsideration requires the movant to either present material newly discovered evidence or to establish a manifest error of fact or law. *Id.*, ¶44. Regarding the alternative second part of this standard, a "manifest error" is the "wholesale disregard, misapplication, or failure to recognize controlling precedent." *Id.* (citation omitted).

Artis does not make any argument that would satisfy this well-established standard. He argues that the post-sentencing circuit court was required to determine SAP eligibility in the first instance, but he develops no argument and cites no legal authority supporting that proposition. Because Artis fails to present material newly discovered evidence or to demonstrate a manifest error of fact or law, we affirm the order on appeal.

³ Sentencing was conducted by the Honorable Richard O. Wright. The post-sentencing motions discussed in this appeal were decided by the Honorable Brian A. Pfitzinger.

IT IS ORDERED that the order of the circuit court is summarily affirmed pursuant to 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*