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DISTRICT I

February 3, 2026

To:

Hon. J. D. Watts
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Processing
Division
Electronic Notice

Hannah Schieber Jurss
Electronic Notice

Terrance Edwards
10811 W. Florist Avenue
Milwaukee, WI 53225

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

2023AP2105

State of Wisconsin ex rel. Terrance Edwards v. Wisconsin
Department of Corrections (L.C. # 2023CV5378)

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).

Terrance Edwards, pro se, appeals from an order of the circuit court that denied his petition for a writ of mandamus. 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.

In February 2004, Edwards pled guilty to one count of armed robbery in Milwaukee County Circuit Court Case No. 2003CF1397. In May 2004, the circuit court sentenced him to 18

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

years of initial confinement and 8 years of extended supervision. The circuit court also awarded Edwards 441 days of sentence credit. He appealed; we affirmed. *See State v. Edwards*, No. 2005AP1022-CR, unpublished slip op. (WI App Mar. 7, 2006).

In December 2020, Edwards petitioned the circuit court for a writ of habeas corpus in Milwaukee County Circuit Court Case No. 2020CV7504. He claimed that the Department of Corrections (DOC) had improperly applied his sentence credit and calculated the wrong release date for him, depriving him of the credit. The circuit court denied the petition, concluding that the date had been correctly calculated. Edwards filed six reconsideration motions, which the circuit court denied. Edwards appealed, but we dismissed the appeal for lack of jurisdiction; the notice of appeal had been untimely as to the order denying habeas, and the reconsideration motions did not raise any new issues. *See State ex rel. Edwards v. DOC*, No. 2021AP923, unpublished op. and order (WI App June 13, 2023).

In July 2023, Edwards filed the petition for a writ of mandamus that underlies this appeal. He again claimed that he was not properly given his 441 days of credit and, as a result, served 18 years and 6 months. The circuit court denied the petition, concluding it could not compel the DOC to apply sentence credit because the record reflected that the DOC had already done so. Edwards appeals.

A writ of mandamus is a mechanism by which a court may compel a public official to perform a legally obligated act. *State ex rel. Robins v. Madden*, 2009 WI 46, ¶¶10, 317 Wis. 2d 364, 766 N.W.2d 542. For a writ of mandamus to issue, the petitioner must establish that he or she: (1) possesses a clear legal right to the relief sought; (2) the duty to be enforced is positive

and plain; (3) the petitioner will be substantially damaged by nonperformance of such duty; and (4) there is no other adequate remedy at law. *Id.*

The provisions of the sentence credit statute are mandatory. *State v. Carter*, 2010 WI 77, ¶51, 327 Wis. 2d 1, 785 N.W.2d 516. “A convicted offender shall be given credit toward the service of his or her sentence for all days spent in custody in connection with the course of conduct for which sentence was imposed.” WIS. STAT. § 973.155(1)(a). That is, the sentencing court must give credit according to the statute because a person may not serve more time than that for which he or she is sentenced. *Carter*, 327 Wis. 2d 1, ¶51.

Here, the circuit court denied mandamus because it concluded that the DOC had, in fact, properly applied Edwards’s credit. Prior to his habeas petition, Edwards in August 2020 petitioned the circuit court in his criminal case for the 441 days of credit, which the circuit court denied. The circuit court, having concluded that Edwards was making the same argument in the mandamus matter as he had in the criminal case, adopted the explanation from the criminal file.

The DOC memorandum dated July 8, 2020 shows that the DOC subtracted 441 days, or 1 year, 2 months and 21 days, from the sentence date of May 4, 2004, for a start date of February 13, 2003. The DOC then calculated 18 years of confinement for an extended supervision date of February 13, 2021. *The DOC also calculated a six-month segregation extension for a governing extended supervision date of August 13, 2021.* Had the DOC taken away the 441 days of credit, it would have calculated the confinement and segregation time from the May 4, 2004 sentencing date, which would have resulted in a far later extended supervision date.

(Emphasis added.) Thus, because the circuit court concluded that the DOC had already properly applied the sentence credit, it also determined that Edwards failed to meet the first condition for a writ of mandamus.

We agree with the circuit court that Edwards cannot satisfy the criteria for a writ of mandamus because he does not establish that the DOC failed to apply his sentence credit. While the time from his February 2003 arrest to his August 2021 release is, in fact, 18 years and 6 months, Edwards's calculations fail to include the 6-month segregation extension.

We additionally note that Edwards is procedurally barred from continuing to relitigate the sentence credit matter. He has now brought the issue through the criminal case in August 2020, through his habeas petition in December 2021, and now this mandamus filing. We inform Edwards that issues once litigated cannot be relitigated, no matter how the defendant reframes the question. *See State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991).

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