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DISTRICT IV

February 5, 2026

To:

Hon. Ann M. Peacock
Circuit Court Judge
Electronic Notice

Michael C. Sanders Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Sardarius A. Goodall 367356
Kettle Moraine Correctional Inst.
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You are hereby notified that the Court has entered the following opinion and order:

2024AP1611-CR

State of Wisconsin v. Sardarius A. Goodall (L.C. # 2001CF2333)

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

Sardarius Goodall appeals orders denying his motions for sentence modification based on a new factor. 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 We affirm.

A new factor is a fact or set of facts highly relevant to the imposition of a sentence, but not known to the sentencing court at the time of sentencing. *State v. Harbor*, 2011 WI 28, ¶40, 333 Wis. 2d 53, 797 N.W.2d 828. If a new factor is shown, the circuit court makes a

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

discretionary determination of whether the new factor justifies modification of the sentence. *Id.*, ¶37.

In this case, in 2004, Goodall was sentenced after revocation of probation to a five-year felony sentence, divided between initial confinement and extended supervision. At the time of his sentencing in this case, Goodall had previously been sentenced in other cases. More specifically, according to Goodall, he was serving eight years of imprisonment in Case No. 1998CF1828, which would be followed by 18 months of initial confinement in Case No. 2002CF1779 and two years of initial confinement in Case No. 2001CF2591. The sentence in this case was made consecutive to the one in Case No. 2001CF2591. Goodall alleged that at this point, he has now served all of the prior sentences and is currently confined on only the sentence imposed in this case.

Goodall's argument in favor of sentence modification relates to the eight-year period of confinement after revocation that he served in Case No. 1998CF1828. The motion alleged as follows. In Case No. 1998CF1828, Goodall was serving a term of probation due to expire in March 2003 when, in January 2003, his probation agent issued an apprehension warrant. Despite the existence of the apprehension warrant, the department of corrections issued a certificate discharging him from probation in March 2003. Then, after he was apprehended in July 2003, and despite the probation discharge certificate, the department of corrections revoked his probation in Case No. 1998CF1828 and he began serving a previously imposed and stayed eight-year term of initial confinement.

Goodall's current motion argued that his confinement for the eight-year term was unlawful because he had already been discharged from probation at the time his probation was

revoked. Based on the alleged unlawfulness of his confinement in Case No. 1998CF1828, Goodall argued for new-factor sentence modification in the current case:

[T]he new factor which the trial court was unaware of at sentencing was the illegality of the 8-year sentence on revocation in 1998CF1828 that Mr. Goodall was serving and which impacted this case as a result of running his sentencing in this case consecutive to other sentences. The illegality stemmed from the Department of Corrections' lack of jurisdiction to revoke a probationer after the term of probation has expired for conduct that predates the expiration of that term when a discharge certificate has been issued by the Secretary. When the Secretary of the Department issued Mr. Goodall's discharge certificate after he had served the full duration of probation specified in the judgment of conviction, the Department lost subject matter jurisdiction over Mr. Goodall and could not revoke him on 1998CF1828. Despite this, the Department did in fact revoke him, and Mr. Goodall spent 8 years in prison in violation of his due process rights.

After receiving a response from the State and a reply from Goodall, the circuit court denied this motion. It assumed that Goodall's eight-year confinement was unlawful, but then concluded that this was not a new factor because it was not highly relevant to the sentence Goodall received in this case and, even if it was a new factor, it was not a basis to modify his sentence.²

On appeal, Goodall argues along substantially the same lines as described above. We focus on the last component of the new-factor test and conclude that the circuit court did not erroneously exercise its discretion by deciding that the assumed unlawfulness of Goodall's earlier confinement was not a basis to modify his sentence.

² In opposition to Goodall's current motion, the State provided the circuit court with an opinion from this court in Appeal No. 2004AP0512, in which we rejected Goodall's argument that the eight-year period of confinement was unlawful because revocation of probation occurred after issuance of the discharge certificate. In this appeal, the State does not develop an argument that we should apply issue preclusion.

Before discussing this issue further, we note that at times, both Goodall and the State refer to the underlying question as being whether Goodall's earlier eight-year "sentence" was unlawful. This is not an accurate description because there is nothing claimed to be unlawful about the imposed and stayed sentence itself. There is no question that it was a lawful sentence, and no question that it was lawfully imposed. Instead, the question Goodall raises is about his *service* of the sentence after revocation, and therefore we describe the issue as being whether his eight-year "confinement" was unlawful.

As stated above, the circuit court assumed that this earlier confinement in a different case was unlawful, and then concluded that the unlawfulness of that confinement was not a basis to modify the sentence in this case. In discussing this last point, the court wrote, "it appears that the Defendant is essentially seeking an equitable adjustment to his current sentence based on the questioned validity of a previous sentence." We agree with this description of Goodall's argument as focused on equity. His argument is, essentially, that if the sentencing court in this case had known that Goodall was being wronged in a different case, it would have imposed a lesser sentence in this case to compensate him for that wrong.

We reject this argument because Goodall has not shown that there was anything inequitable about his eight-year confinement in Case No. 1998CF1828. His argument about the unlawfulness of the eight-year confinement is a formalistic one, based entirely on the fact that the department's revocation of his probation occurred after a probation discharge certificate was issued. But Goodall does not claim that he was actually *entitled by law* to be discharged at the time the certificate was issued. In addition, Goodall does not claim that there was anything improper about the apprehension warrant, which was issued before the discharge certificate, and he does not dispute that there was otherwise a proper legal basis to revoke his probation.

Under these circumstances, even if we assume, as the circuit court did, that the probation revocation was unlawful due solely to the earlier discharge certificate, that result would have been a windfall to Goodall. It would be a windfall because he was not legally entitled to discharge at that time, and the later revocation of his probation was otherwise a legally proper and equitable outcome.

As a result, there is nothing inequitable about his service of the eight-year confinement. That was the sentence lawfully imposed on him, and which he should have expected to serve based on his conduct while on supervision. Therefore, because the eight-year confinement was equitable, even if assumed to be unlawful solely because of the premature discharge certificate, there is no basis for an equitable adjustment of his current sentence.

IT IS ORDERED that the orders appealed from are summarily affirmed under 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*