



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

February 25, 2026

To:

Hon. Phillip A. Koss
Circuit Court Judge
Electronic Notice

Hector Salim Al-Homsi
Electronic Notice

Michele Jacobs
Clerk of Circuit Court
Walworth County Courthouse
Electronic Notice

Tom C. Dowdy #517107
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2024AP813-CR

State of Wisconsin v. Tom C. Dowdy (L.C. #2021CF122)

Before Neubauer, P.J., Grogan, 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).

Tom C. Dowdy appeals an order denying his motions for additional sentence credit. 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.

Dowdy seeks 958 days of sentence credit for two periods: (1) April 19, 2019, to November 20, 2020, and (2) March 2, 2021, to March 9, 2022. The circuit court denied relief,

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

incorporating the reasoning set forth in the State's response letters. We agree Dowdy is not entitled to additional credit.

The relevant procedural history is as follows. Dowdy was sentenced in Walworth County Case No. 2012CF536 to a ten-year bifurcated prison sentence consisting of five years' initial confinement and five years' extended supervision. He was released to extended supervision in February 2018. On April 17, 2019, he was apprehended and placed on a Department of Corrections (DOC) supervision hold in the 2012 case. His supervision was revoked on May 23, 2019, and he was returned to prison on June 20, 2019, to serve reconfinement time. Dowdy was released from reconfinement and placed back on extended supervision on November 3, 2020.

On March 2, 2021, Dowdy committed the offenses underlying the present case. He was again placed on a DOC supervision hold in the 2012 case and his extended supervision was revoked. He returned to prison on August 12, 2021, and completed his reconfinement on March 1, 2022. Nine days later, on March 9, 2022, he was sentenced in this case.

Here, Dowdy pleaded guilty to two felony bail-jumping counts and one possession of THC count. The circuit court imposed and stayed bifurcated prison sentences on the bail-jumping counts and ordered probation. The court also imposed a consecutive 30-day jail sentence on the THC count. All sentences were ordered consecutive to each other and any other sentence. The court granted nine days of sentence credit on the THC count for time Dowdy spent in jail from March 1 to March 9, 2022.

A defendant is entitled to sentence credit for all days spent in custody "in connection with the course of conduct for which sentence was imposed." WIS. STAT. § 973.155(1). The defendant bears the burden of demonstrating both custody and its connection to the course of

conduct. *State v. Carter*, 2010 WI 77, ¶11, 327 Wis. 2d 1, 785 N.W.2d 516. When consecutive sentences are imposed, however, “[c]redit is to be given on a day-for-day basis, which is not to be duplicatively credited to more than one of the sentences imposed to run consecutively.” *State v. Boettcher*, 144 Wis. 2d 86, 87, 423 N.W.2d 533 (1988). A defendant is not entitled to sentence credit for custody served in satisfaction of another unrelated sentence. *State v. Lamar*, 2011 WI 50, ¶37 n.9, 334 Wis. 2d 536, 799 N.W.2d 758.

Dowdy’s motions for sentence credit fail under these legal principles. With respect to the first period (April 19, 2019 to November 20, 2020), the record establishes that Dowdy was on a DOC supervision hold in the 2012 case beginning April 17, 2019, and that he received jail credit in that case for the time spent in custody until he was returned to prison on June 20, 2019. He then served reconfinement in the 2012 case from June 20, 2019, until November 3, 2020. That custody was credited toward the 2012 sentence. Because the sentences in the present case were ordered consecutive to “any other sentence,” including the 2012 case, Dowdy is not entitled to duplicate credit for that period. See *Boettcher*, 144 Wis. 2d at 87; *State v. Jackson*, 2000 WI App 41, ¶19, 233 Wis. 2d 231, 607 N.W.2d 338.

The same is true of the second period (March 2, 2021, to March 9, 2022). From March 2, 2021, to August 12, 2021, Dowdy was held on a DOC supervision hold in the 2012 case. He received credit in that case for that time. From August 12, 2021, to March 1, 2022, he was serving reconfinement in the 2012 case. He is not entitled to credit in this case for custody served in satisfaction of that unrelated sentence. See *Lamar*, 334 Wis. 2d 536, ¶37 n.9. Finally, the circuit court already granted Dowdy nine days of credit, from March 1 to March 9, 2022, on the THC count. He may not now apply those same nine days to the consecutive bail-jumping counts. See *Boettcher*, 144 Wis. 2d at 87.

Dowdy cites *State v. Floyd*, 2000 WI 14, 232 Wis. 2d 767, 606 N.W.2d 155, but that case is distinguishable because the custody credit there had not been applied to any other sentence. Here, the custody periods at issue were already credited to the 2012 sentence, and duplicate credit is not permitted.

Dowdy has not met his burden to demonstrate entitlement to additional sentence credit. See *Carter*, 327 Wis. 2d 1, ¶11. The circuit court properly denied his motions.

Upon the foregoing reasons,

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