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**DISTRICT IV**

March 26, 2026

To:

Hon. Nicholas J. McNamara  
Circuit Court Judge  
Electronic Notice

Kathleen Henry  
Electronic Notice

Jeff Okazaki  
Clerk of Circuit Court  
Dane County Courthouse  
Electronic Notice

Abigail Potts  
Electronic Notice

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

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2024AP1434-CR	State of Wisconsin v. Sevon J. Pruitt (L.C. # 2021CF686)
2024AP1436-CR	State of Wisconsin v. Sevon J. Pruitt (L.C. # 2021CF687)
2024AP1437-CR	State of Wisconsin v. Sevon J. Pruitt (L.C. # 2021CF689)
2024AP1438-CR	State of Wisconsin v. Sevon J. Pruitt (L.C. # 2021CF692)
2024AP1439-CR	State of Wisconsin v. Sevon J. Pruitt (L.C. # 2021CF694)
2024AP1440-CR	State of Wisconsin v. Sevon J. Pruitt (L.C. # 2021CF1405)
2024AP1441-CR	State of Wisconsin v. Sevon J. Pruitt (L.C. # 2022CF1335)

Before Graham, P.J., Blanchard, and Kloppenburg, 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).**

Sevon J. Pruitt appeals judgments of conviction and orders denying his postconviction motions for sentence modification. Based on our review of the briefs and records, we conclude at conference that these cases are appropriate for summary disposition. *See* WIS. STAT. RULE 809.21

(2023-24).<sup>1</sup> Because Pruitt has not established that the circuit court erroneously exercised its discretion, we summarily affirm.

These appeals concern seven circuit court criminal cases that were resolved pursuant to a global plea agreement.<sup>2</sup> Based on his conduct in five incidents between September 2020 and March 2021, Pruitt was charged with 15 felony counts: ten counts of identity theft for financial gain as a party to a crime and five counts of driving or operating a motor vehicle without the owner's consent.

On March 23, 2021, the circuit court ordered a signature bond for Pruitt with conditions that included that Pruitt appear for all court dates and not commit any crimes. Pruitt failed to appear in court for a preliminary hearing scheduled for May 6, 2021, and a bench warrant was issued for his arrest.

In June 2021, Pruitt was charged with one count of felony substantial battery and three counts of felony bail jumping based on an incident that occurred that month. The circuit court again ordered a signature bond for Pruitt with conditions which included that Pruitt appear for all court dates and not commit any crimes.

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

<sup>2</sup> See Dane County Circuit Court Case Nos. 2021CF686, 2021CF687, 2021CF689, 2021CF692, 2021CF694, 2021CF1405, and 2022CF1335. The appeals in these cases were consolidated for briefing and disposition by an order dated October 3, 2024. See WIS. STAT. RULE 809.10(3).

In May 2022, Pruitt was charged with one misdemeanor count of disorderly conduct with a dangerous weapon and one count of felony bail jumping based on an incident that occurred in April 2022.

In January 2023, the seven cases were resolved pursuant to a global plea agreement. Pruitt pled guilty to five felony counts of identity theft for financial gain as a party to a crime, three felony counts of driving or operating a motor vehicle without the owner's consent, and one felony count of substantial battery, and he also pled no contest to one misdemeanor count of disorderly conduct with a dangerous weapon. As part of the global plea agreement, the circuit court dismissed and read in five counts of identity theft for financial gain, two counts of driving or operating a motor vehicle without the owner's consent, and four counts of felony bail jumping.

At the January 2023 plea hearing, the circuit court did not revoke bail and informed Pruitt that the bail conditions would continue pending sentencing. The court told Pruitt:

Now you're coming back for sentencing no matter what. What you do between now and then will absolutely make a difference. It could be to your benefit. It would certainly be against your self interest to ... commit a new crime or do anything that violates those bond conditions.... I'm not adding new conditions, although actually that's tempting, but I'm not doing it. You have dug a deep enough hole, I've tried to impress upon you [that you should not] make it worse.... February 3rd, we'll see you then.

Pruitt failed to appear at the February 3, 2023 sentencing hearing, and a bench warrant was issued for his arrest. Pruitt was later arrested, and the sentencing hearing was held on March 20, 2023.

At the sentencing hearing, the State recommended that Pruitt be sentenced to two to three years of initial confinement followed by probation. Pruitt, through counsel, asked for four years of probation with “some imposed and stayed time[,] ... two [years] in and two [years] out would be appropriate.” Pruitt also spoke on his own behalf. He acknowledged that he had made “poor decisions” for which he said he took “full accountability.” Neither Pruitt nor the State raised the possibility of ordering expungement as to any offense as part of the sentence. The circuit court sentenced Pruitt and explained its reasoning.

Regarding Pruitt’s convictions in Dane County Circuit Court Case Nos. 2021CF689, 2021CF1405, and 2022CF1335, the circuit court imposed a series of concurrent sentences that, taken together, require Pruitt to serve three years of initial confinement followed by two years of extended supervision. Regarding Dane County Circuit Court Case Nos. 2021CF686, 2021CF687, 2021CF692, and 2021CF694, the court imposed a series of concurrent sentences but stayed the sentences for a two-year probation period. The court ordered the probation to commence after the extended supervision period in the first series of cases. If Pruitt violated probation, the sentences in the second series would, taken together, function to require Pruitt to serve an additional three years of initial confinement followed by an additional two years of extended supervision. The court found Pruitt ineligible for the challenge incarceration program and the substance abuse program (“the early release programs”). *See* WIS. STAT. § 302.045 (describing the challenge incarceration program); WIS. STAT. § 302.05 (describing the substance abuse program). The court did not address the topic of expungement.

Pruitt, through counsel, filed a postconviction motion in each case seeking sentence modification based on alleged new factors. Specifically, Pruitt argued that the circuit court erroneously exercised its discretion because it failed to consider Pruitt’s rehabilitative needs in finding him ineligible for the early release programs. Pruitt also argued that the court erred when it failed to consider whether Pruitt was eligible for expungement. The court denied the motions in a written order and decision. The court noted that it expressly found Pruitt ineligible for the early release programs during the sentencing hearing for reasons stated at the hearing, and the court reiterated those reasons. The court also noted that it did not address expungement at the sentencing hearing because no one raised the topic at the sentencing hearing. The court added that, if expungement had been raised at sentencing, “the court would have easily denied the request because the court would have been unable to find that ‘society will not be harmed by this disposition.’”

On appeal, Pruitt makes an unclear attempt to frame his argument for sentence modification as being based on a new factor, but he does not develop that argument. Rather, Pruitt argues that the circuit court erroneously exercised its sentencing discretion by failing to find that Pruitt was eligible for expungement and by failing to consider Pruitt’s rehabilitative needs in finding him ineligible for the early release programs. Accordingly, we interpret Pruitt’s position on appeal as an argument that the court erroneously exercised its sentencing discretion.

We review a circuit court’s sentencing determination for an erroneous exercise of discretion. *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. In determining a sentence, the court must consider the protection of the public, the gravity of the offense, the

rehabilitative needs of the defendant, and any applicable mitigating or aggravating factors. WIS. STAT. § 973.017(2); *see also Gallion*, 270 Wis. 2d 535, ¶40. The court’s sentencing decisions “are generally afforded a strong presumption of reasonability because the circuit court is best suited to consider the relevant factors and demeanor of the convicted defendant.” *Gallion*, 270 Wis. 2d 535, ¶18 (quoted source omitted). “[T]he defendant has the burden to show unreasonableness from the record.” *State v. Haskins*, 139 Wis. 2d 257, 268, 407 N.W.2d 309 (Ct. App. 1987). We may “search the record for reasons to sustain” the court’s exercise of sentencing discretion. *State v. Salas Gayton*, 2016 WI 58, ¶20, 370 Wis. 2d 264, 882 N.W.2d 459 (quoted source omitted).

WISCONSIN STAT. § 973.015(1m)(a) provides certain circumstances under which a circuit “court may order [expungement] at the time of sentencing ... if the court determines the person will benefit and society will not be harmed by this disposition.” *See* § 973.015(1m)(a)1.; *State v. Arberry*, 2018 WI 7, ¶17, 379 Wis. 2d 254, 905 N.W.2d 832. The statutory language “at the time of sentencing” does not encompass post-sentencing motions for sentence modification. *Arberry*, 379 Wis. 2d 254, ¶17. “Imposition of a sentence happens during the sentencing hearing, not at a sentence modification hearing[.]” *Id.*, ¶18. Accordingly, “a post-sentencing motion seeking [expungement] is procedurally barred.” *Id.*, ¶16.

Pruitt argues that the circuit court erred because it did not determine at the time of sentencing whether expungement would benefit Pruitt or harm society. However, as stated above, the expungement statute provides certain circumstances under which a circuit court “may” order expungement, and Pruitt fails to develop an argument as to why we should interpret the statute to

*require* a court to consider expungement when the topic is not raised to the court. *See* WIS. STAT. § 973.015(1m)(a)1.; *see also State v. Arberry*, 2017 WI App 26, ¶4, 375 Wis. 2d 179, 895 N.W.2d 100 (consideration of expungement is not a mandatory duty of the court at sentencing). Pruitt directs our attention to *State v. Helmbrecht*, 2017 WI App 5, 373 Wis. 2d 203, 891 N.W.2d 412, in support of his argument, but his reliance is misplaced. *Helmbrecht* does not address whether a court must consider expungement in the absence of expungement being raised at sentencing. Accordingly, Pruitt has provided no basis for us to conclude that the court erroneously exercised its discretion when it did not consider expungement at the time of sentencing. Because our review is limited to a review of the court’s exercise of discretion, we do not address Pruitt’s argument that he was eligible for expungement.

Pruitt also argues that the circuit court failed to consider Pruitt’s rehabilitative needs when the court found him ineligible for the early release programs. Pruitt’s argument is not supported by the record. At sentencing, the court noted that Pruitt failed to show up for the previously scheduled sentencing hearing even though he was “facing possibly as much as 44 years of prison.” The court found this to constitute “[a] flagrant disregard” of the court’s orders and bail conditions. The court remarked: “I know what we’ve been doing hasn’t stopped you. And in fact, it seems like you’ve escalated a degree of violence, a degree of recklessness, almost a total disregard for the respect or rights of others.” The court said that it did not see “drug addiction-type issues” with Pruitt. The court discussed Pruitt’s youth, and remarked that Pruitt’s actions are “just selfishness, just dangerous, self-centeredness.” For these reasons, the court determined, for the first series of sentences, Pruitt was not eligible for the early release programs, because those would not be

“effective.” For the second series of sentences, the court found Pruitt ineligible for the early release programs for the same reasons. Based on this record, we conclude that the court reasonably considered Pruitt’s rehabilitative needs when it determined that Pruitt was ineligible for the early release programs.

For the reasons stated above, we conclude that the circuit court did not erroneously exercise its discretion in sentencing Pruitt. The court considered relevant information and provided an adequate explanation for the sentences. Pruitt’s arguments do not overcome the presumption that the court’s sentencing decisions were reasonable, in light of the law and the reasoning provided by the court. Pruitt also appeals the court’s order denying Pruitt’s motions for sentence modification, but as noted, Pruitt does not develop any argument with respect to a new factor. Therefore, we conclude that the court did not err when it denied Pruitt’s motions for sentence modification. Accordingly,

IT IS ORDERED that the judgments and orders of the circuit court 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*