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**DISTRICT I**

April 21, 2026

To:

Hon. Dennis R. Cimpl  
Circuit Court Judge  
Electronic Notice

Jacob J. Wittwer  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Lee Anthony Brown 385934  
Oshkosh Correctional Institution  
P.O. Box 3310  
Oshkosh, WI 54903-3310

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

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2024AP839-CR

State of Wisconsin v. Lee Anthony Brown (L.C. # 2018CF1258)

Before Colón, P.J., Donald, and Geenen, 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).**

Lee Anthony Brown, pro se, appeals from an order denying his motion for reconsideration. 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).<sup>1</sup> Because Brown did not raise any new issues in his motion for reconsideration, we lack jurisdiction. Accordingly, we dismiss the appeal.

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

Brown pled guilty to robbery of a financial institution stemming from an incident that occurred in August 2017. During the sentencing hearing, the circuit court sentenced Brown for his crime in this case and for his crime of fleeing or eluding an officer, to which he pled guilty, in Milwaukee County Case No. 2018CF589.

The circuit court determined that Brown was entitled to 192 days of credit for pretrial confinement for the time period of March 16, 2018, through September 24, 2018. The court then sentenced Brown to 192 days in jail on the fleeing charge, which amounted to a time-served sentence in Case No. 2018CF589. On the robbery charge in this case, the court imposed a consecutive sentence of eight years of initial confinement and five years of extended supervision.

In December 2022, Brown filed a pro se motion for additional sentence credit. He sought credit against his robbery conviction for the 192 days of pretrial custody already credited to his fleeing conviction.

In a January 2023 decision and order, the circuit court granted two additional days of credit for Brown's pretrial custody on March 14 and 15, 2018.<sup>2</sup> The court, however, denied credit against the robbery conviction for the 192 days of custody from March 16, 2018, to September 24, 2018. The court cited *State v. Boettcher*, 144 Wis. 2d 86, 423 N.W.2d 533 (1988), and explained that because Brown had already received credit for this time period in

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<sup>2</sup> Records showed that Brown was taken into custody on March 14, 2018, but the sentencing court ordered credit for Brown's custody from March 16, 2018, to September 24, 2018, which were the dates referenced by Brown's attorney during the sentencing hearing.

Case No. 2018CF589, he was not entitled to the same credit in this case given that the sentence was consecutive.<sup>3</sup> Brown did not appeal the court's order.

Nearly 15 months later, in April 2024, Brown moved the circuit court to reconsider the January 2023 sentence credit order. The court denied the motion, reiterating that Brown was not entitled to credit for time already applied to his consecutively served sentence in Case No. 2018CF589. In denying reconsideration, the court additionally relied on the reasons set forth in its January 2023 order.

Brown then filed a pro se notice of appeal, and we issued an order directing the parties to address as the first issue in their appellate briefs whether this court has jurisdiction to review the order denying Brown's reconsideration motion.

Whether this court has jurisdiction to hear an appeal is a question of law we consider independently. *State v. Scaccio*, 2000 WI App 265, ¶4, 240 Wis. 2d 95, 622 N.W.2d 449. “No right of appeal exists from an order denying a motion to reconsider which presents the same issues as those determined in the order or judgment sought to be reconsidered.” *Silverton Enters., Inc. v. General Cas. Co. of Wis.*, 143 Wis. 2d 661, 665, 422 N.W.2d 154 (Ct. App. 1988). For this court to have jurisdiction over an order denying a motion for reconsideration, the motion “must present issues other than those determined by the order or judgment for which review is requested[.]” *Ver Hagen v. Gibbons*, 55 Wis. 2d 21, 26, 197 N.W.2d 752 (1972).

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<sup>3</sup> The circuit court additionally took note of Brown's claim that he was arrested on March 12, 2018. The court stated that Brown could petition for additional credit upon the submission of proof that he was arrested on that date, which, as noted, was contrary to records reflecting that he was taken into custody on March 14, 2018.

In his reconsideration motion, Brown appeared to suggest that the court misread *Boettcher* in denying credit. Brown’s challenge to the court’s reasoning in denying credit did not bring a new issue before the court. The issue Brown raised in the reconsideration motion was the same one decided in the January 2023 order: whether Brown is entitled to sentence credit for the 192-day period from March 16, 2018, through September 24, 2018.

Brown’s claim was previously raised and addressed in the circuit court’s order denying Brown’s motion for sentence credit. Brown failed to appeal that order and cannot now restart the clock by appealing from the denial of his motion to reconsider that order. See *La Crosse Tr. Co. v. Bluske*, 99 Wis. 2d 427, 429, 299 N.W.2d 302 (Ct. App. 1980) (“[T]he policy behind the rule [barring appeal of a reconsideration motion which does not raise new issues] is to prevent a party from extending the time to appeal by filing a motion for reconsideration.”). Because Brown’s motion for reconsideration of the order denying his motion for sentence credit did not raise any new issues, we conclude we are without jurisdiction to hear this appeal.

For all the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily dismissed for lack of jurisdiction. 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*