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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

July 15, 2026

To:

Hon. Ryan J. Hetzel
Circuit Court Judge
Electronic Notice

Michael J. Conway
Electronic Notice

Sherry Coykendall
Clerk of Circuit Court
Washington County Courthouse
Electronic Notice

Christopher S. Shingleton #380088
Oakhill Correctional Inst.
P.O. Box 938
Oregon, WI 53575-0938

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

2025AP210-CR

State of Wisconsin v. Christopher S. Shingleton
(L.C. #1999CF365)

Before Gundrum, 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).

Christopher S. Shingleton appeals, pro se, from an order of the circuit court that denied his postconviction motion, in which he sought to consolidate six counts into a single count, “pursuant to [WIS. STAT. §] 971.12(1).” 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 For the following reasons, we affirm.

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

BACKGROUND

In July 1999, Shingleton had sexual intercourse on three separate occasions with Blair,² a sixteen-year-old girl who also was related to Shingleton “by blood in a degree of kinship closer than second cousin.” This kinship was known to Shingleton.

In October 1999, Shingleton had sexual contact with Clara, a minor who had not yet attained the age of thirteen. He also had sexual contact with Joani, a minor who also had not yet attained the age of thirteen. These instances of sexual contact happened in the same room, and Clara saw Shingleton have sexual contact with Joani.

In November 1999, the State charged Shingleton with six offenses for sexually assaulting the three girls. Shingleton waived the preliminary hearing and negotiated to enter guilty pleas for three of the offenses, each pertaining to a different victim, with the remaining charges to be dismissed and read in for sentencing. Specifically, Shingleton pled guilty to the following counts: Count 1 for having sexual intercourse with sixteen-year-old Blair (under WIS. STAT. § 948.06(1) (1999-2000)); Count 4 for sexual contact with Clara, who was four years old at the time (under against WIS. STAT. § 948.02(1) (1999-2000)); and Count 6 for sexual contact with Joani, who was seven years old at the time (under against WIS. STAT. § 948.02(1) (1999-2000)).

The trial court imposed indeterminate, consecutive terms not to exceed 25 years for Counts 4 and 6 and (consecutive with the other sentences) an indeterminate term not to exceed 20 years for Count 1, which was imposed but stayed for 20 years of probation.

² To protect the identity of the victims, we use pseudonyms. See WIS. STAT. RULES 809.19(1)(G); 809.86(4).

In September 2000, Shingleton filed a postconviction motion for relief arguing that his sentence was unduly harsh and excessive. The trial court denied the motion, Shingleton appealed, and this court summarily affirmed in August 2001.³

In October 2024, Shingleton filed, pro se, a motion titled “Notice and Motion to Consolidate Six Counts into Only One Count Pursuant to [WIS. STAT. §] 971.12(1).” (Formatting altered.) Shingleton asked the circuit court to consolidate the six counts into only one count, which he asserted would make it easier for him to get rehabilitative programming in prison. He made it clear that he did not want to alter or change his sentence, he just wanted to change the number of counts to only one. The court construed the motion as a motion “to consolidate the three charges he was convicted of into a single count[,]” but it denied the postconviction motion because each count was obviously a separate incident with separate timeframes and victims. The court additionally denied the motion because “the charges cannot be consolidated because each charge requires a separate and distinct element of proof.” The court stated, “[t]his is not a situation in which either multiplicity or double jeopardy arises.” Shingleton appeals on the grounds that the court wrongly concluded that “all of the charged counts happen[ed] at separate times, and are different in nature” because it “gave no legal authority to justify such a ruling[.]”

DISCUSSION

Multiplicitous charges for a single criminal offense violate the double jeopardy clauses of the state and federal constitutions. ***State v. Anderson***, 219 Wis. 2d 739, 746, 580 N.W.2d 329

³ ***State v. Shingleton***, No. 00-3289, unpublished slip op. (WI App Aug. 15, 2001).

(1998). “Whether an individual’s constitutional right to be free from double jeopardy has been violated presents a question of law[,]” which this court reviews de novo. **State v. Nommensen**, 2007 WI App 224, ¶5, 305 Wis. 2d 695, 741 N.W.2d 481.

Double jeopardy exists to protect “against multiple punishments for the same offense.” **Anderson**, 219 Wis. 2d at 746 (citation omitted). Two offenses are the same if they are identical in both law and fact. **Id.** If the offenses are different in either law or in fact, then they are not subject to double jeopardy restraint. **State v. Davison**, 2003 WI 89, ¶33, 263 Wis. 2d 145, 666 N.W.2d 1. In reviewing whether multiplicity claims violate double jeopardy, the court will utilize a two-part test. **Anderson**, 219 Wis. 2d at 746. First, the court will determine if “the charged offenses are identical in law and fact[.]” **Id.** Second, “if the offenses are not identical in law and fact, [the court will look to] whether the legislature intended the multiple offenses to be brought as a single count.” **Id.** “[I]f ... the charged offenses are different in law or fact, a presumption arises that the legislature did not intend to permit cumulative punishments.” **Davison**, 263 Wis. 2d 145, ¶44. If the offenses are different in law and fact, then it is the defendant’s burden to prove that there is a clear legislative intent against allowing for cumulative punishments. **Id.** ¶45. For offenses to be identical in fact, the court must “determin(e) ... whether charged acts are ‘separated in time or are of a significantly different nature.’” **State v. Multaler**, 2002 WI 35, ¶56, 252 Wis. 2d 54, 643 N.W.2d 437 (citation omitted).

Here, Shingleton’s three counts are clearly distinct in fact. Each act was separate in time and is different in nature. First, they happened on three different occasions. Second, each offense involved a different victim. Finally, the offenses had different classifications. Two were violations pursuant to WIS. STAT. § 948.02(1) and one violated WIS. STAT. § 948.06(1).

Therefore, Shingleton’s three convictions do not fall under the doctrine of double jeopardy. *See Davison*, 263 Wis. 2d 145, ¶33.

Shingleton next attempts to use *State v. Rector*, 2023 WI 41, 407 Wis. 2d 321, 990 N.W.2d 213, to challenge Wisconsin’s definition of “separate conviction.” In *Rector*, the supreme court interpreted WIS. STAT. § 301.45(5)(b)1 (2021-22), which imposed a lifetime sex offender registration requirement on “a person [who] has, on [two] or more separate occasions, been convicted ... for a sex offense.” 407 Wis. 2d 321, ¶1 (omission in original; citation omitted). In *Rector*, the court held that, for purposes of the statute at hand, “separate occasions” referred to separate proceedings, not separate convictions, in which a conviction for a sex offense was entered.⁴ *Id.* ¶¶1, 18-19. This analysis has no impact in Shingleton’s case where his convictions for three offenses related to facts demonstrating that the offenses happened on different occasions and with different victims.

We conclude that Shingleton’s offenses are each distinct in fact and, further, that he fails to demonstrate a clear legislative intent to not impose cumulative punishments for his crimes. Thus, we affirm the order.

IT IS ORDERED that the order of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

⁴ In its aftermath, the state legislature enacted WIS. STAT. § 301.45(5)(b)1, which abrogated the decision in *State v. Rector*, 2023 WI 41, 407 Wis. 2d 321, 990 N.W.2d 213 by requiring lifetime sex offender registration for any person with multiple convictions for sex offenses by striking out the “on two or more separate occasions” phrase and replacing it with “[t]he person has been convicted [two] or more times, including convictions that were part of the same proceeding ... for a sex offense[.]” 2023 Wis. Act 254, § 1.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals