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DISTRICT II

September 23, 2026

To:

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Circuit Court Judge
Electronic Notice

Alexander Schmidt
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Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
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You are hereby notified that the Court has entered the following opinion and order:

2025AP1463-CR

State of Wisconsin v. Jahquiez S. Serintez (L.C. #2021CF1448)

Before Lazar, P.J., Gundrum, and Grogan, 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).

Jahquiez S. Serintez appeals from a judgment of conviction and an order of the circuit court denying his postconviction motion. 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.

In August 2021, Serintez was charged with one count of receiving stolen property and one count of carrying a concealed weapon, both as party to a crime. He was released on bail. We refer to this matter as the “concealed carry case.”

In October 2021, while released on bail, Serintez was involved in a shooting. He was charged with multiple offenses.² We refer to this matter as the “shooting case.”

In February 2022, Serintez was arrested and taken into custody in connection with both cases. Unable to post bail, Serintez remained in custody.

With respect to the concealed carry case, Serintez entered a plea agreement in September 2022.³ He received a time-served sentence of 223 days, representing the period he had been in custody since his February 2022 arrest.

In September 2023, in relation to the shooting case, Serintez was sentenced to 12 years of imprisonment on the first-degree reckless injury charge, consisting of seven years of initial confinement and five years of extended supervision. The circuit court withheld the sentence on the first-degree recklessly endangering safety charges and placed him on five years of probation consecutive to the prison sentence.

² Serintez was charged with one count of first-degree reckless injury, two counts of attempted first-degree intentional homicide, five counts of first-degree recklessly endangering safety, and one count of endangering safety by reckless use of a firearm, all as party to a crime, contrary to WIS. STAT. §§ 941.30(1), 939.05, 939.63(1)(b), 939.63(1)(b)

³ Serintez was convicted of the concealed carry charge, and the stolen property charge was dismissed.

In discussing sentence credit, the parties agreed that Serintez had been in custody for 595 days since his February 2022 arrest. The State requested 372 days of sentence credit, arguing that Serintez’s sentence should run consecutively to his concealed carry sentence so that he would not get “double credit” for the 223 days of presentence custody. The circuit court responded that the sentence would be “automatically consecutive” because Serintez had already finished his concealed carry sentence.

In May 2025, Serintez filed a postconviction motion in the shooting case arguing that the circuit court erroneously exercised its discretion by imposing a sentence consecutive to his concealed carry sentence. Serintez admitted that the court had authority to impose a consecutive sentence, but argued that a consecutive sentence was not required. He relied on WIS. STAT. § 973.15(2)(a), which permits a court to impose a sentence “concurrent with ... any other sentence imposed at the same time or previously.” According to Serintez, had the court imposed a concurrent sentence, he would have been entitled to an additional 223 days of sentence credit.

The circuit court denied Serintez’s motion. Relying on *State v. Jackson*, 2000 WI App 41, ¶¶19-20, 233 Wis. 2d 231, 607 N.W.2d 338, the court concluded that Serintez’s sentence in the shooting case had to run consecutively to his concealed carry sentence because he had already completed that sentence. The court further concluded that Serintez was not entitled to an additional 223 days of sentence credit because he could not receive “dual credit” for the same period of presentence custody. Serintez timely appealed.

“Sentencing is left to the discretion of the [circuit] court and appellate review is limited to determining whether there was an erroneous exercise of discretion.” *State v. Berggren*, 2009 WI App 82, ¶39, 320 Wis. 2d 209, 769 N.W.2d 110. A circuit court has “wide discretion in

determining whether to impose a concurrent or consecutive sentence.” *State v. Davis*, 2005 WI App 98, ¶27, 281 Wis. 2d 118, 698 N.W.2d 823. “A [circuit] court properly exercises its discretion in imposing consecutive or concurrent sentences by considering the same factors as it applies in determining sentence length.” *Berggren*, 320 Wis. 2d 209, ¶46.

This court independently reviews the application of the sentence credit statute to a particular set of facts. *State v. Kontny*, 2020 WI App 30, ¶6, 392 Wis. 2d 311, 943 N.W.2d 923. We will uphold a sentencing decision if the circuit court properly exercised its discretion. *State v. Taylor*, 2006 WI 22, ¶17, 289 Wis. 2d 34, 710 N.W.2d 466. A court properly exercises its discretion if it considers “facts that are of record or that are reasonably derived by inference from the record” and reaches “a conclusion based on logical rationale founded upon proper legal standards.” *Id.* (citation omitted).

A defendant may not receive “dual credit” for presentence custody. *State v. Boettcher*, 144 Wis. 2d 86, 87, 423 N.W.2d 533 (1988). Sentence credit is awarded on a “day-for-day” basis and may not be “duplicatively credited” against more than one sentence. *Id.* Thus, the same period of presentence custody cannot be credited against two separately served sentences. *Id.*

Here, we conclude that the circuit court properly exercised its discretion in imposing consecutive sentences. We are bound by *Jackson*, 233 Wis. 2d 231, which interprets WIS. STAT. § 973.15 and does not render any portion of the statute superfluous. Accordingly, we affirm.

In *Jackson*, this court extended *Boettcher*, where sentence credit had already been applied to a complete sentence. *Jackson*, 233 Wis. 2d 231, ¶19. Jackson received 70 days of credit against his first sentence. *Id.*, ¶3. After completing that sentence, he sought the same

70 days of credit against a sentence imposed in a separate case. *Id.*, ¶6. We rejected his claim, explaining that “dual credit is not permitted” when a defendant has already received credit against a sentence that “has been, or will be, separately served.” *Id.*, ¶19.

The same rule controls here. Serintez received 223 days of sentence credit against his concealed carry sentence and completed that sentence before he was sentenced in the shooting case. Applying those same 223 days to his shooting sentence would award credit twice for the same period of presentence custody, contrary to *Boettcher* and *Jackson*. See WIS. JI—CRIMINAL SM-34A n.37 (11/2025) (“When credit has been granted against an earlier sentence which was completely served before sentencing on a new offense, no credit against the new sentence is required.”).

Serintez nevertheless argues that this result conflicts with WIS. STAT. § 973.15(2)(a), which permits a court to impose a sentence “concurrent with ... any other sentence imposed at the same time or previously.” We disagree. *Jackson* does not conflict with that language. A sentence may run concurrently with a previously imposed sentence that the defendant is still serving. But once the earlier sentence has fully been served, there is no remaining sentence with which the later sentence runs concurrently. See, e.g., *State v. Slater*, 2021 WI App 88, ¶29, 400 Wis. 2d 93, 968 N.W.2d 740 (“[A] prior sentence existed on the day of Slater’s sentencing ‘with which the sentence imposed on that day could be concurrent.’” (citation omitted)). Thus, § 973.15(2)(a) and *Jackson* address different circumstances and are not inconsistent.

Nor does *Jackson* render WIS. STAT. § 973.15(2)(a) superfluous. Section 973.15(2)(a) continues to permit a court to impose a sentence concurrently with a previously imposed sentence that remains in effect at the time of the sentencing. *Slater*, 400 Wis. 2d 93, ¶29. What

the statute does not permit is for a new sentence to run concurrently with a sentence that has been fully served. ***Id.*** Thus, giving effect to ***Jackson*** leaves § 973.15(2)(a) with independent operation and does not render any part of the statute superfluous.

Therefore,

IT IS ORDERED that the judgment and order 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.

Samuel A. Christensen
Clerk of Court of Appeals