



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](http://www.wicourts.gov)

**DISTRICT II**

March 5, 2025

To:

Hon. J. Arthur Melvin III  
Circuit Court Judge  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Monica Paz  
Clerk of Circuit Court  
Waukesha County Courthouse  
Electronic Notice

Jacari Montaye Jones, #692603  
Green Bay Correctional Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

Kathilynne Grotelueschen  
Electronic Notice

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

---

2024AP2312-CRNM      State of Wisconsin v. Jacari Montaye Jones (L.C. #2020CF535)

Before Gundrum, P.J., Neubauer 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).**

Jacari Montaye Jones appeals an order denying a motion for additional sentence credit under WIS. STAT. § 973.155 (2023-24).<sup>1</sup> His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Jones was advised of his right to file a response and has not responded. After reviewing the Record and counsel's

---

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

report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the order. *See* WIS. STAT. RULE 809.21.

In 2020, Jones was sentenced to eighteen months' initial confinement and two years' extended supervision following his guilty plea to fleeing an officer. He was released to extended supervision on October 12, 2021, and was permitted to transfer his supervision to Illinois.

On June 26, 2022, Jones was arrested on criminal charges in Chicago, Illinois. He remained in custody on those charges until February 15, 2023, when he was sentenced to "three years with the ability to earn day-for-day credit toward his confinement." He was also granted 240 days of presentence credit toward his Illinois sentence (the time between June 26, 2022, and February 15, 2023).

On April 25, 2023, while Jones was serving the confinement portion of his Illinois sentence, Illinois asked Wisconsin to "retake Mr. Jones' extended supervision in response to violation(s) of supervision." Two days later, Wisconsin issued a violation warrant for Jones' arrest and a detainer was sent to the institution housing Jones.

On November 17, 2023, Jones completed the confinement portion of his Illinois sentence. At that time, Wisconsin elected to take custody of him rather than withdrawing the warrant and detainer. Jones was transferred to the Waukesha County Jail, and revocation proceedings commenced.

On January 31, 2024, following a contested revocation hearing, Jones was revoked from extended supervision. With respect to credit, the Administrative Law Judge ("ALJ") determined Jones was not entitled to sentence credit for the 240 days he spent in Illinois presentence custody

because no Wisconsin violation warrant was issued until after he was sentenced on his Illinois crime. The ALJ granted Jones sentence credit from November 17, 2023, (the day he completed the confinement portion of his Illinois sentence) until his receipt at the Wisconsin institution.

On June 24, 2024, Jones filed a pro se motion in the circuit court seeking an additional 240 days of sentence credit. Specifically, he sought credit for the time he spent in custody between his arrest in Illinois on June 26, 2022, and his sentencing in Illinois on February 15, 2023. The circuit court denied his motion.

Jones filed a notice of intent to pursue postconviction relief from the circuit court's denial of his motion for sentence credit. *See* WIS. STAT. § 973.155(6) (“A defendant aggrieved by a determination by a court under this section may appeal in accordance with [WIS. STAT. RULE] 809.30.”). The State Public Defender's Office appointed counsel.

As reflected in the no-merit report, the scope of this appeal is limited to the issue of whether Jones is entitled to additional sentence credit. Counsel concludes in the no-merit report that the issue lacks arguable merit.

We agree. For sentence credit to be awarded, a defendant must show that he or she was “in custody” and that “the custody ‘was in connection with the course of conduct for which the sentence was imposed.’” *State v. Friedlander*, 2019 WI 22, ¶23, 385 Wis. 2d 633, 923 N.W.2d 849 (citing WIS. STAT. § 973.155(1)(a)). In this case, although Jones was in custody in Illinois from June 26, 2022, through February 15, 2023, that custody was not “in connection with the course of conduct” for which his Wisconsin sentence (the fleeing conviction) was imposed. Additionally, there is no evidence that Jones was arrested on a Wisconsin violation warrant until *after* he was sentenced on his Illinois crimes. *See State v. Beets*, 124 Wis. 2d 372, 385, 369

N.W.2d 382 (1985) (A defendant is not entitled to sentence credit for days of presentence custody during which he was also serving a sentence.). There is no arguable merit to this issue that Jones should get additional sentence credit.

Our independent review of the Record discloses no other potential issues for appeal in this sentence credit case. This court accepts the no-merit report, affirms the order denying sentence credit, and discharges appellate counsel of the obligation to represent Jones further in this appeal.

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 Attorney Kathilynne Grotelueschen is relieved from further representing Jacari Montaye Jones in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

---

*Samuel A. Christensen*  
*Clerk of Court of Appeals*