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DISTRICT II

March 26, 2025

To:

Hon. Paul Bugenhagen Jr.
Circuit Court Judge
Electronic Notice

Sonya Bice
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Blake A. Kruizenga #554155
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:

2024AP198-CR

State of Wisconsin v. Blake A. Kruizenga (L.C. #2020CF101)

Before Gundrum, P.J., Neubauer 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).

Blake A. Kruizenga, pro se, appeals a circuit court judgment denying his motion for additional sentence credit. 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 We affirm.

While on extended supervision in a prior case, Kruizenga committed the crimes underlying this case. On February 27, 2020, Kruizenga made his initial appearance in this case,

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

and the circuit court imposed cash bail. On March 2, 2020, Kruizenga’s extended supervision was revoked and, on June 12, 2020, Kruizenga was returned to prison to continue serving his prison sentence. He was ultimately sentenced in this underlying case on December 13, 2021. The sentencing court in this case made his sentence concurrent to his revocation prison sentence. The amended judgment of conviction granted Kruizenga sentence credit in this case from February 27, 2020 (the date of his initial appearance) to June 12, 2020 (the date he was received at the institution to continue serving his prison sentence).

On appeal, Kruizenga seeks sentence credit representing the time period from June 12, 2020 to December 13, 2021. He argues he is entitled to the additional sentence credit because the circuit court sentenced him to a concurrent sentence and he remained in custody on the underlying case while he was serving his prison revocation sentence.

“A convicted offender shall be given credit toward the service of his or her sentence for all days spent in custody in connection with the course of conduct for which sentence was imposed.” WIS. STAT. § 973.155(1)(a). When a defendant is revoked on a prior case while in custody on a separate case “[his] sentence on his earlier conviction resume[s] when he [is] received” at the prison. *State v. Davis*, 2017 WI App 55, ¶10, 377 Wis. 2d 678, 901 N.W.2d 488. At the point of “his reception at the institution, his custody [is] no longer ‘in connection with’ the course of conduct” for the pending case; “rather, his custody [is] then solely ‘in connection with’ his earlier conviction.” *Id.* The “resuming of his sentence in the earlier case ... sever[s] the connection between the two cases.” *Id.*

Here, Kruizenga is not entitled to the additional days of sentence credit because when he was received at the institution to continue serving his prison sentence, that severed the

connection between his custody and the charges underlying this case. *See id.* From June 12, 2020 until his sentencing on December 13, 2021, he was no longer “in custody” on this case. *See id.*; *see also State v. Beets*, 124 Wis. 2d 372, 379, 369 N.W.2d 382 (1985) (once the defendant was in prison serving a revocation sentence, whether he was also awaiting trial on a pending charge “was irrelevant, because his freedom from confinement—his right to be at liberty—was not in any way related to the viability of the pending charge. His ability to make bail on the [pending] charge became immaterial.”). Kruizenga’s custody in prison from June 12, 2020 to December 13, 2021 was “solely ‘in connection with’ his earlier conviction.” *See Davis*, 377 Wis. 2d 678, ¶10.

Kruizenga nevertheless argues he should receive sentence credit for this time period because the circuit court made his sentence concurrent to his revocation sentence. Kruizenga, however, overlooks that he was in prison on the revocation sentence *before* he was sentenced in this case. His concurrent sentence in this case does not act retroactively to the time he was in prison serving the revocation sentence. *See* WIS. STAT. § 973.155(1)(a) (credit is given for days spent “in custody in connection with the course of conduct for which sentence was imposed”); *Davis*, 377 Wis. 2d 678, ¶10 (once received at the institution for a revocation sentence “his custody [is] no longer ‘in connection with’ the course of conduct” for the pending case). Therefore,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed.

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

Samuel A. Christensen
Clerk of Court of Appeals