



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

DISTRICT I

April 8, 2025

To:

Hon. Laura Crivello
Circuit Court Judge
Electronic Notice

John W. Kellis
Electronic Notice

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

Dontae L. Doyle
6018 N. 37th Street
Milwaukee, WI 53209

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

2023AP1681-CR

State of Wisconsin v. Dontae L. Doyle (L.C. # 1999CF6006)

Before White, C.J., Geenen and Colón, 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).

Dontae L. Doyle, *pro se*, appeals from an order denying his motion for sentence modification and an order denying reconsideration of that decision. 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 summarily affirm.

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

In 2000, Doyle was convicted of numerous armed robberies and related felonies.² The circuit court imposed an indeterminate prison sentence of eighty-seven years, along with an additional forty-five year sentence that was imposed and stayed with a consecutive twenty-year term of probation.

While incarcerated, Doyle “provided substantial assistance to law enforcement and the [S]tate” with other investigations. As a result of that assistance, Doyle’s “conditions of confinement ... deteriorated markedly.” Therefore, in September 2017, the State and Doyle jointly moved for modification of his sentence, based on these new factors that arose after his sentencing.

The sentence modification agreement reduced Doyle’s sentence from eighty-seven years to fifty years, with the consecutive twenty-year term of probation remaining intact. Additionally, Doyle expressly agreed not to “seek any other modification of this sentence, or pursue any collateral attack in this case.” However, the agreement permits Doyle to “seek modification of [the] terms of probation when [he is] released to probation.”

Doyle was paroled on December 15, 2021. He subsequently filed a motion with the circuit court in May 2023 seeking to “adjust, modify, and[/]or terminate his parole.” In support, he cited his accomplishments while incarcerated, which included obtaining his high school equivalency as well as completing vocational college courses. He further stated that since being paroled he received a “crisis management” license, and obtained a position at Wisconsin Community Services as “a youth treatment specialist that deals with crisis work and assisting at

² The offenses were committed in 1999.

risk youth in making an easier transition[] back into the community.” Additionally, he noted that he has not had any interactions with law enforcement, does not smoke or drink, and has fully paid the restitution imposed in this matter—over \$11,000.

The circuit court denied his motion. It explained that parole “is not the equivalent of probation; parole is a component of a prison sentence.” Therefore, a request to terminate parole is “tantamount to a request for sentence modification, which the defendant cannot pursue under the terms of the prior sentence modification order.” Doyle sought reconsideration of that decision, which was also denied. This appeal follows.

Under Wisconsin’s indeterminate sentencing structure, in effect for offenses committed prior to 2000, “[t]he parole eligibility date determination is ... an essential and integral part of the court’s sentencing decision.” *State v. Borrell*, 167 Wis. 2d 749, 767, 482 N.W.2d 883 (1992). Thus, as the circuit court pointed out, Doyle’s request to adjust, modify, or terminate his parole is the equivalent of a request for sentence modification.³

In considering such a motion, the circuit court “may base a sentence modification upon the defendant’s showing of a ‘new factor.’” *State v. Harbor*, 2011 WI 28, ¶35, 333 Wis. 2d 53, 797 N.W.2d 828. A new factor is “a fact or set of facts highly relevant to the imposition of sentence, but not known to the trial judge at the time of original sentencing, either because it was not then in existence or because ... it was unknowingly overlooked by all of the parties.” *Id.*, ¶40

³ In contrast, probation is “not a sentence,” but rather is an “alternative to a sentence.” *State v. Schwebke*, 2001 WI App 99, ¶29, 242 Wis. 2d 585, 627 N.W.2d 213.

(citation omitted). Whether a fact or set of facts constitutes a new factor is a question of law that this court considers *de novo*. *Id.*, ¶33.

In his motion, Doyle cites his postsentencing accomplishments as factors warranting modification of his parole. While very impressive and commendable, these accomplishments are not considered to be new factors for purposes of sentence modification. Indeed, it is well established that postsentencing “rehabilitation” is not considered a new factor. *State v. McDermott*, 2012 WI App 14, ¶15, 339 Wis. 2d 316, 810 N.W.2d 237. Therefore, Doyle’s motion seeking sentence modification—adjustment to his parole—was properly rejected.

In his appellate brief, Doyle asserts that there is a “question of fact” as to whether the sentence modification agreement should be interpreted as permitting modification of his parole, as opposed to only allowing modification of the terms of his probation. This court does not engage in fact-finding. *Lange v. LIRC*, 215 Wis. 2d 561, 572, 573 N.W.2d 856 (Ct. App. 1997). Furthermore, Doyle did not present this argument in his motion to the circuit court. Arguments raised for the first time on appeal are generally deemed forfeited. *Northbrook Wis., LLC v. City of Niagara*, 2014 WI App 22, ¶20, 352 Wis. 2d 657, 843 N.W.2d 851.

Additionally, we observe that the terms of the sentence modification agreement were clear: further modification of Doyle’s sentence is not permitted, but he may seek modification of the terms of his probation once he is released to probation. Doyle confirmed his understanding and agreement with these terms in a signed statement included in the sentence modification agreement.

Accordingly, we affirm the circuit court’s denial of Doyle’s motion for sentence modification and motion for reconsideration.

Upon the foregoing, therefore,

IT IS ORDERED that the orders 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