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**DISTRICT II**

July 16, 2025

To:

Hon. Sandy A. Williams  
Circuit Court Judge  
Electronic Notice

Sherry Coykendall  
Clerk of Circuit Court  
Washington County Courthouse  
Electronic Notice

Eliot M. Held  
Electronic Notice

Jamie J. Lastovich #219862  
Prairie Du Chien Correctional Inst.  
P.O. Box 269  
Prairie du Chien, WI 53821

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

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2023AP2249-CR

State of Wisconsin v. Jamie J. Lastovich (L.C. #2013CF291)

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

Jamie J. Lastovich, pro se, appeals the order denying his petition for sentence adjustment pursuant to WIS. STAT. § 973.195 (2023-24).<sup>1</sup> 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. We affirm.

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

In September of 2013, Lastovich pled guilty to operating while intoxicated (OWI) and felony bail jumping. The charges arose from two separate incidents. For the OWI charge, Lastovich was sentenced to three years each of initial confinement and extended supervision. For felony bail jumping, he was sentenced to three years of probation with a stayed sentence of three years of initial confinement and three years of extended supervision, to be served consecutively to the OWI sentence. In February of 2022, while serving the bail jumping sentence, Lastovich's probation was revoked and he was sentenced to prison.

Lastovich later filed a petition for adjustment of the bail-jumping sentence under WIS. STAT. § 973.195. The circuit court denied the petition, finding that adjustment was “not in the public interest.” Lastovich appeals.

Pursuant to WIS. STAT. § 973.195, Lastovich was allowed to petition for sentence adjustment after serving seventy-five percent of his initial confinement term. If granted, the remainder of the confinement term would be converted to extended supervision. *See* § 973.195(1r)(f), (g). In determining whether to grant or deny a sentence adjustment petition, the applicable standard is “the public interest.” Sec. 973.195(1r)(f). Sentence adjustment is left to the circuit court's discretion. *State v. Stenklyft*, 2005 WI 71, ¶¶78, 81-82, 281 Wis. 2d 484, 697 N.W.2d 769.

On appeal, Lastovich argues that the circuit court erroneously exercised its discretion in denying his petition. Specifically, he points to the fact that he has been transferred to a minimum-security facility that allows him to attend school at a nearby technical college and work part-time at a local business as evidence that he no longer poses a threat to the community. He also argues that the circuit court failed to provide reasoning to support its decision.

We cannot agree that the circuit erroneously exercised its discretion, first, because it used form CR-260, which clearly displays the court's reasoning. The court was required by WIS. STAT. § 971.025(1) to use any applicable form adopted by the Judicial Council. *See id.* Form CR-260, "Order Concerning Sentence Adjustment § 973.195, Wis. Stats." is such a form. By checking the box it did, the court indicated it had concluded that sentence adjustment would not be in the public interest after considering relevant factors such as the nature of the crime, protection of the public, Lastovich's character, and his participation and progress in education, treatment, and correctional programs. Therefore, the circuit court's conclusion that an adjustment would not be in the public interest as indicated by form CR-260 was a proper legal basis for denying Lastovich's petition.

Second, the presentence investigation (PSI) report supports the circuit court's determination that adjusting Lastovich's sentence would not serve the public's interest. The PSI notes that Lastovich was arrested on the present bail-jumping charge because he was found to be drunk when a police officer spoke to him while investigating Lastovich's attempt to buy or sell drugs nearby. The PSI also explains that in the aforementioned OWI case, Lastovich was driving drunk for the fifth time while his license was revoked and had initially given the officer who pulled him over a false name. The PSI further detailed Lastovich's record of prior offenses, including: burglaries, batteries, unlicensed driving, OWIs, fleeing the police, drug charges, resisting arrest, disorderly conduct, and bail jumping. His general recidivism risk and pretrial release risk were also "high." In light of the facts presented in the PSI report, we agree with the State that even though Lastovich has positively interacted with the public for educational and vocational purposes while housed at a minimum-security correctional center, the circuit court did not erroneously exercise its discretion in denying the petition.

Finally, we note that Lastovich has not filed a reply brief and thus has not responded to the State's numerous arguments supporting the circuit court's denial of his petition. As a result, we consider Lastovich to have conceded these arguments. *See Charolais Breeding Ranches, Ltd. v. FPC Sec. Corp.*, 90 Wis. 2d 97, 108-109, 279 N.W.2d 493 (Ct. App. 1979) (failure to refute an argument constitutes a concession).

Therefore,

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

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

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