

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

State of Wisconsin, Plaintiff

Amended

-VS-

**Order Concerning
Positive Adjustment Time
§973.198, Wis. Stats.**

Name

Inmate Number

Date of Birth

Case No. _____

Count No. _____

A Petition for Positive Adjustment Time was filed with the court.

THE COURT FINDS:

1. The inmate is is not serving a bifurcated sentence on this count.
2. The inmate is is not currently confined on this count.
3. The inmate was not was sentenced for a Class A or a Class B felony on this count.
4. The offense date on this count is is not after December 30, 1999.
5. A. The sentence on this count was imposed prior to October 1, 2009, making the inmate eligible for positive adjustment time earned for the confinement portion of the sentence occurring between October 1, 2009 and August 2, 2011. **-OR-**
 B. The sentence on this count was imposed after September 30, 2009, and the offense date, conviction date, or sentencing date occurred between October 1, 2009 and August 2, 2011, making the inmate eligible for positive adjustment time earned for the entire period of confinement served after September 30, 2009.
6. The Department of Corrections (DOC) has verified that the inmate is eligible for positive adjustment time based on the above factors and was convicted of:
 - A. a misdemeanor or a Class F to Class I felony that is not a violent offense, AND
 - is not serving a sentence for an offense against an elderly or vulnerable person, an offense related to ethical government or school safety, felony murder, or a violation of §§940.11(1), 940.235, 940.32(3), 941.21, or 946.465, Wis. Stats.;
 - has not during his/her current period of confinement served a sentence for a violent Class F to Class I felony;
 - has not during his/her current period of confinement served a sentence for a Class C to Class E felony;
 - was never convicted or found not guilty by reason of mental disease or defect of a sex offense;
 - was never found to have committed a sex offense in another jurisdiction;
 - is not required to register under §301.45, Wis. Stats. and is not the subject of a bulletin issued under §301.46(2m), Wis. Stats.;
 - was never committed under Chapter 975;

- is not a violent offender under §16.964(12)(a), Wis. Stats., AND
- was not determined by the Department of Corrections assessment to pose a high risk of re-offending.

The inmate is therefore eligible for 1 day of positive adjustment time for every 2 days served in confinement during the eligible period.

- B. a misdemeanor or a Class F to Class I felony, AND
- is not serving a sentence for an offense against an elderly or vulnerable person, an offense related to ethical government or school safety, felony murder, or a violation of §§940.11(1), 940.235, 940.32(3), 941.21, or 946.465, Wis. Stats.;
 - has not during his/her current period of confinement served a sentence for a Class C to Class E felony;
 - was never convicted or found not guilty by reason of mental disease or defect of a sex offense;
 - was never found to have committed a sex offense in another jurisdiction;
 - is not required to register under §301.45, Wis. Stats. and is not the subject of a bulletin issued under §301.46(2m), Wis. Stats., AND
 - was never committed under Chapter 975.

The inmate is therefore eligible for 1 day of positive adjustment time for every 3 days during the eligible period.

- C. a Class C to Class E felony, AND
- is not serving a sentence for an offense against an elderly or vulnerable person, an offense related to ethical government or school safety, felony murder, of a violation of §§940.11(1), 940.235, 940.32(3), 941.21, or 946.465, Wis. Stats.;
 - was never convicted or found not guilty by reason of mental disease or defect of a sex offense;
 - was never found to have committed a sex offense in another jurisdiction;
 - is not required to register under §301.45, Wis. Stats. and is not the subject of a bulletin issued under §301.46(2m), Wis. Stats., AND
 - was never committed under Chapter 975.

The inmate is therefore eligible for 1 day of positive adjustment time for every 5.7 days during the eligible period.

7. The inmate did did not file the petition more than 90 days prior to serving the confinement portion of the sentence less the positive adjustment time that the inmate claims to have earned.
8. Within 60 days of the inmate filing the petition, the Court issued this Order.

THE COURT CONSIDERED:

- the inmate's conduct in prison;
- the inmate's risk of re-offending based on a verified, objective instrument (if available);
- the nature of the inmate's offense, AND
- Other: _____.

THE COURT ORDERS:

The Petition for Positive Adjustment Time is

1. **DENIED** because
- A. the inmate was sentenced before October 1, 2009 and did not serve any days in confinement on this count between October 1, 2009 and August 2, 2011.
 - B. the offense date on this count is after August 2, 2011.
 - C. the offense date on this count is prior to December 31, 1999.
 - D. the inmate is not serving a bifurcated sentence on this count.
 - E. the inmate is not currently confined on this count.
 - F. the inmate was convicted on this count of a Class A or B felony.
 - G. it is premature. The inmate may not file a petition for sentence adjustment earlier than 90 days before he/she has served the confinement portion of his/her sentence less earned positive adjustment time.
 - H. the inmate has a poor conduct record in prison.
 - I. the inmate poses an unacceptable risk of re-offending.
 - J. the nature/severity of the offense requires that the inmate serve the full term of confinement.

- K. the inmate was convicted of a sex offense in another jurisdiction, or is required to register under §301.45, Wis. Stats., or is the subject of a bulletin issued under §301.46(2m), Wis. Stats.
- L. DOC provided a Preliminary Verification of Eligibility of Positive Adjustment Time form, and the Court cannot further consider the petition without a full verification. DOC is ordered to submit to the Court a Full Verification of Eligibility of Positive Adjustment Time form (CR-282). Once received, the Court may reconsider the inmate's petition in an amended order.
- M. Other: _____

The confinement portion of the defendant's sentence on this count will not change.

- 2. **GRANTED.** The confinement portion of the defendant's sentence on this count is reduced by _____ days of Positive Adjustment Time. The court made this determination by taking the number of confinement days provided by the Department of Corrections in paragraph 1 of the Verification of Eligibility for Positive Adjustment Time form (CR-282) and applying the eligibility formula checked in paragraph 6 of this order.

Box checked in Paragraph 6 of this Order	How to calculate Positive Adjustment Time
6A.	Number of confinement days divided by 2
6B.	Number of confinement days divided by 3
6C.	Number of confinement days divided by 5.7

The unserved confinement portion of the defendant's sentence on this count will be added to the extended supervision portion of the defendant's sentence.

- 3. Written reasons are attached.

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

1. Court
2. Defendant/ Defendant's Attorney
3. District Attorney
4. Department of Corrections/Institution Records Office
5. Victim
6. Other: _____