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DISTRICT IV

January 15, 2014

To:

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

2012AP1581

State of Wisconsin ex rel. Douglas K. Uhde v. Jeffrey Pugh
(L.C. # 2006CF221)

Before Higginbotham, Sherman and Kloppenburg, JJ.

Douglas Uhde appeals an order denying his petition for writ of habeas corpus. 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 (2011-12).¹ We affirm.

Uhde was convicted of escape in 2007. The complaint alleged that Uhde was an inmate at Fox Lake Correctional Institution and walked away from a job site in Baraboo. Uhde pled no

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

contest to the charge. Uhde now argues that venue in Dodge County was improper because he committed the crime in Sauk County, where he walked away from the job site. We reject the argument.

The “escape from custody” statute that Uhde was convicted under was WIS. STAT. § 946.42(3)(a) (2003-04). A related definition provides that “custody” includes constructive custody of prisoners temporarily outside the institution for the purpose of work. § 946.42(1)(a). Therefore, because Uhde was considered to be in the custody of the prison, Uhde’s escape is considered to be from the Fox Lake Correctional Institution. That prison was in Dodge County, and the Dodge County circuit court has jurisdiction over crimes committed there. WIS. STAT. § 302.02(1m)(e) (2003-04). Therefore, venue for Uhde’s escape from that prison was proper in that county. *See also Dolan v. State*, 48 Wis. 2d 696, 700-03, 180 N.W.2d 623 (1970) (reaching similar conclusion by applying older versions of similar statutes).

Uhde also argues that the circuit court should have informed him of the requirement for the State to prove venue at the preliminary examination, or possibly in connection with the taking of his plea. However, he cites no authority that imposes that requirement, and we are not aware of any.

IT IS ORDERED that the order appealed from is summarily affirmed under WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals