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**DISTRICT I/IV**

January 21, 2014

To:

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

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2012AP1710-CR

State of Wisconsin v. Cameron Deshawn Johnson  
(L.C. # 2006CF3714)

Before Blanchard, P.J., Lundsten and Kloppenburg, JJ.

Cameron Johnson appeals an order requiring him to reimburse Milwaukee County for costs of a transcript that had previously been provided to him at public expense. 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).<sup>1</sup> We affirm.

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

In April 2011, Branch 30 of the circuit court granted Johnson's motion for production of a transcript of a hearing held on Johnson's postconviction motion filed under WIS. STAT. § 974.06. In 2012, responding to a different request by Johnson, Branch 12 of the circuit court ordered him to reimburse the county for that transcript. The court stated that it was "the current successor" to the original judge's homicide calendar. The court ordered reimbursement because, at the time Johnson asked for the transcript for purposes of appeal, his appeal had been dismissed for failure to pay the filing fee or seek a waiver of that fee. The court concluded that Johnson's motion had been made in bad faith.

On appeal, Johnson argues that the court lacked jurisdiction to reconsider the April 2011 order. However, Johnson does not dispute the Branch 12 court's assertion that it had assumed the Branch 30 court's calendar. As the State points out, a successor judge in a rotation stands in the same position as the original judge, *see Godfrey Co. v. Lopardo*, 164 Wis. 2d 352, 361-63, 474 N.W.2d 786 (Ct. App. 1991), and Johnson has not shown that the court could not reconsider its own order. Johnson argues that the Branch 12 court erred by making certain assumptions about what the Branch 30 court would have originally done if it had known about the dismissal of Johnson's appeal. However, those assumptions are not necessary to conclude that Johnson's motion was filed in bad faith.

On appeal, Johnson does not dispute the court's review of the procedural history, and does not argue that the court was wrong to regard his request as having been made in bad faith. Johnson asserts that he would not have incurred the transcript expense if he had known he would have to pay for it. However, even if that is true, it is also true that the county would not have incurred the expense if Johnson had not made his motion in bad faith. The circuit court

apparently did not see why the county, instead of Johnson, should bear the expense of Johnson's bad faith motion, and we do not either.

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

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*