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DISTRICT IV

April 28, 2014

To:

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

2013AP178-CR State v. Mark Henning (L.C. # 2009CF36)

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

Mark Henning appeals a civil judgment for a criminal fine and costs. 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.

Henning argues that the circuit court erred in converting his fine and costs to a civil judgment because at sentencing the court made the fine and costs a condition of extended

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

supervision, which, he argues, means that he has until the end of extended supervision to pay them before they can be converted to a civil judgment.

We reject the argument. The judgment of conviction does not state that payment of the fine and costs is a condition of extended supervision. Henning argues that the court made such a pronouncement orally at sentencing. The passage he relies on is ambiguous, at best. However, even if one reasonable reading might be in the manner Henning proposes, we would reject that reading because the court had no legal authority to delay the payment of a fine and costs beyond sixty days, unless the court was ordering restitution or placing the defendant on probation. WIS. STAT. § 973.05(1), (1m), and (2). Accordingly, because the court here did not order the fine and costs paid as a condition of extended supervision, the court properly issued a civil judgment under § 973.05(4)(a) before completion of Henning's extended supervision.

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

Diane M. Fremgen
Clerk of Court of Appeals