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DISTRICT IV

July 28, 2014

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

2012AP2725

State of Wisconsin ex rel. Eddie Gene Evans v. Michael Meisner
(L.C. #2012CV462)

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

Eddie Evans appeals an order of the circuit court dismissing Evans' 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 summarily affirm.

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

Evans filed a petition for writ of habeas corpus in the circuit court, asking the court to dismiss a detainer issued against him by the State of Louisiana. The state moved to dismiss the petition and quash the writ. The court granted the motion, and Evans now appeals.

On appeal, Evans argues that the procedure set forth in the Interstate Agreement on Detainers (IAD) was not followed in the documentation and issuance of the Louisiana detainer. *See* WIS. STAT. §§ 976.05, 976.06. However, as the State points out in its brief, the problem with this argument is that the IAD does not apply in this case.

The IAD applies only to “detainers lodged against prisoners that are based on *untried* indictments, informations or complaints.” *State ex rel. Pharm v. Bartow*, 2007 WI 13, ¶24, 298 Wis. 2d 702, 727 N.W.2d 1 (emphasis in original). In this case, the State of Louisiana is not seeking Evans to return for an untried indictment, information, or complaint, but rather to serve the consecutive remaining balance of his prison term resulting from the revocation of his parole. Accordingly, the circuit court properly dismissed Evans’ petition for writ of habeas corpus and quashed the writ.

IT IS ORDERED that the order is summarily affirmed under WIS. STAT. RULE 809.21(1).

Diane M. Fremgen
Clerk of Court of Appeals