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**WISCONSIN COURT OF APPEALS**

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**DISTRICT IV**

November 24, 2014

To:

Hon. Stephen E. Ehlke  
Circuit Court Judge  
215 South Hamilton, Br.15, Rm. 7107  
Madison, WI 53703

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

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2012AP820

In re the Attorney Fees in: State of Wisconsin v. Jessie L. McShan:  
Jessie L. McShan v. Dane County (L.C. # 2008CF1711)

Before Lundsten, Sherman and Kloppenburg, JJ.

Jessie McShan appeals two circuit court orders denying his requests for modification of the requirement that he make payments towards the fees of his court-appointed attorney. 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.

McShan first argues that he was deprived of due process regarding a 2009 hearing that led to a judgment of \$715 being entered against him for attorney fees. The respondent argues that this issue is moot because the judgment was later vacated. McShan's reply brief does not dispute that the judgment was vacated. Therefore, this issue is moot because our decision would have no practical effect. *See State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425.

McShan's next argument is difficult to understand precisely. It appears that he may be arguing that the circuit court should have found him unable to make payments because in January 2011 it signed the order vacating the \$715 judgment. That order was part of a stipulation with the County stating that McShan is "without the means to make payments due to his incarceration." McShan asserts that his financial situation has not changed since then.

This argument fails because McShan does not provide any legal reason to conclude that the court was bound in the future by the County's stipulation. A court can sign a stipulation in which the County agrees that McShan is unable to pay, and then later also properly conclude that, in the court's own opinion, McShan is able to pay.

IT IS ORDERED that the orders appealed from are summarily affirmed under WIS. STAT. RULE 809.21.

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