



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV

January 25, 2016

To:

Hon. Patrick J. Taggart
Circuit Court Judge
Sauk Co. Courthouse
515 Oak Street
Baraboo, WI 53913-0449

Vicki Meister
Clerk of Circuit Court
Sauk Co. Courthouse
515 Oak Street
Baraboo, WI 53913-0449

Gabe Johnson-Karp
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Sue Mueller
Asst. District Attorney
515 Oak Street
Baraboo, WI 53913

Steven B. Funmaker
P.O. Box 278
Lake Delton, WI 53940-0278

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

2014AP194-CR

State of Wisconsin v. Steven B. Funmaker (L.C. # 2012CF120)

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

Steven Funmaker appeals an order denying his petition for sentence adjustment. 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 (2013-14).¹ We dismiss the appeal.

In his brief on appeal, Funmaker seeks, among other things, reversal of his conviction and vacating of his sentence. These remedies are based on arguments that the Department of Corrections improperly modified his sentence, that the State breached his plea agreement, and

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

that it was cruel and unusual punishment to fail to provide him with treatment while confined. Funmaker did not raise these issues or seek these forms of relief in his petition for sentence adjustment and its attachment. We usually do not address issues that are raised for the first time on appeal, *Wirth v. Ehly*, 93 Wis. 2d 433, 443-44, 287 N.W.2d 140 (1980), and we see no reason to do that in this case.

As to whether the circuit court erred in denying the petition for sentence adjustment, the State argues that this issue is moot because Funmaker has been released from confinement to extended supervision and, therefore, no meaningful relief is possible on this issue. In reply, Funmaker does not dispute that he has already been released, but instead argues that we should decide the issue for other reasons. However, it does not appear that any of those other reasons would result in relief to Funmaker personally, and we do not regard this as a case that should be reviewed even though moot.

IT IS ORDERED that this appeal is summarily dismissed under WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals