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DISTRICT III

July 28, 2017

To:

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Circuit Court Judge
Outagamie County Courthouse
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You are hereby notified that the Court has entered the following opinion and order:

2015AP2384

State v. Steven F. Zastrow
(L. C. No. 2002CF1013)

Before Stark, P.J., Hruz and Seidl, JJ.

Steven Zastrow is appealing an order granting a civil judgment for unpaid restitution. By order dated July 14, 2017, we directed the State to respond to Zastrow's reply brief argument that the circuit court prematurely entered the judgment based upon the restitution order. In lieu of filing its response, the State concedes error and moves to summarily reverse the order on appeal. The State acknowledges that WIS. STAT. § 973.20(1r) allows any unpaid portion of restitution to be converted to a civil judgment after the termination of extended supervision. The State further indicates that because Zastrow is currently incarcerated and has not yet served the extended

supervision portion of his sentence, the Department of Corrections prematurely sought—and the circuit court prematurely granted—a civil judgment for unpaid restitution.

Upon the foregoing, we will grant the State’s motion to summarily reverse the order granting a civil judgment for unpaid restitution and remand the matter to the circuit court with directions to vacate the civil judgment without prejudice.

IT IS ORDERED that the order is summarily reversed and the matter is remanded to circuit court with directions. *See* WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals