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August 1, 2018

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

2016AP2390-CR

State of Wisconsin v. Jeffrey E. Olson (L.C. #2007CF359)

Before Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Jeffrey E. Olson appeals pro se from an order of the circuit court denying his "Motion for Sentence Enforcement." 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 (2015-16).¹ We affirm the order of the circuit court.

Olson claims the department of corrections (DOC) unlawfully “modified” his sentence by increasing from ten percent to fifty percent the amount it took from his prison account to pay court-ordered costs and collecting those monies from him while he is serving the confinement portion of his sentence as opposed to only later collecting them during the extended supervision portion of his sentence. He also claims the DOC’s actions violate the ex post facto provisions of the United States and Wisconsin constitutions.²

The circuit court correctly denied Olson’s motion without a hearing as the court lacked competency to address his complaints. *See State v. Williams*, 2018 WI App 20, ¶¶1, 4, 380 Wis. 2d 440, 909 N.W.2d 177. Similar to Olson’s complaint here that the DOC is improperly withdrawing funds from his prison account to pay his court-ordered costs, in *Williams*, Williams “moved his sentencing court to order [the] DOC to stop taking funds from his prison account to pay his restitution obligation.” *Id.*, ¶1. We held that

the circuit court, acting as the sentencing court, lacks the competency to address an allegedly improper disbursement of funds by the DOC. Once an inmate is sentenced to prison, he or she is under the control of the executive branch and must address his or her objections to the internal operating procedures of the DOC through the ICRS [inmate complaint review system], WIS. ADMIN. CODE ch. DOC 310, and then, if necessary, by writ of certiorari to the circuit court.

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

² Olson also asserts generally that the DOC’s actions constitute a breach of a plea deal. Because he fails to develop this issue, we do not address it. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (court of appeals need not address undeveloped arguments).

Williams, 380 Wis. 2d 440, ¶4.³ Here Olson, like *Williams*, failed to file a complaint that complied with the procedures required by WIS. ADMIN. CODE ch. DOC 310, but instead filed an “information request,” received a response from the DOC, and then filed his “Motion for Sentence Enforcement” with the sentencing court. We held in *Williams* that the circuit court properly denied *Williams*’ motion because he “did not follow the proper administrative procedure to challenge the DOC’s disbursement of his prison funds.” *Williams*, 380 Wis. 2d 440, ¶6. The same is true here. Olson needs to first exhaust his remedies beginning with a complaint filed through ICRS. If he believes there is error with the result he receives through that process, he may then file a certiorari action in circuit court.

Upon the foregoing reasons,

³ We also explained:

WISCONSIN ADMIN. CODE § DOC 310.01 provides that the purpose of the ICRS is to provide inmates a process by which grievances may be expeditiously raised, investigated, and decided. In order to use the ICRS, an inmate must first file a complaint with the institution complaint examiner under § DOC 310.09. The inmate will then receive a decision from the reviewing authority under § DOC 310.12. If the inmate is dissatisfied, he or she may appeal the decision to the corrections complaint examiner who will recommend a decision to the secretary of the DOC. Secs. DOC 310.13, 310.03(15). The secretary will make a decision whether to accept, reject, modify, or remand the recommendation of the corrections complaint examiner at which time the administrative remedies will have been exhausted. Sec. DOC 310.14. Before filing a petition for a writ of certiorari in the circuit court, an inmate must exhaust all his or her administrative remedies. Sec. DOC 310.05; *see also* WIS. STAT. § 801.02(7)(b).

State v. Williams, 2018 WI App 20, ¶5, 380 Wis. 2d 440, 909 N.W.2d 177 (footnote omitted).

IT IS ORDERED that the order of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals