



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 I/IV

February 21, 2019

To:

Hon. Dennis R. Cimpl
Circuit Court Judge
Safety Building, Rm. 316
821 W. State St. - Branch 19
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
Room 114
821 W. State Street
Milwaukee, WI 53233

John Blimling
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Karen A. Loebel
Asst. District Attorney
821 W. State St.
Milwaukee, WI 53233

Rodney Ardell O'Neal 206390
Redgranite Correctional Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

2017AP2246

State of Wisconsin v. Rodney Ardell O'Neal (L.C. # 2013CF1005)

Before Blanchard, Kloppenburg and Fitzpatrick, JJ.

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).

Rodney O'Neal appeals an order denying his motion to prevent the Department of Corrections from using 50% of his funds to pay restitution. 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 (2017-18).¹ We affirm.

O’Neal’s motion was captioned as a postconviction motion in his criminal case under WIS. STAT. § 974.06. The circuit court held that it lacked jurisdiction to issue such an order to the Department.

On appeal, the State argues that the circuit court correctly denied O’Neal’s motion because the court lacked competency to proceed. The State is correct. The situation appears to be indistinguishable from that in *State v. Williams*, 2018 WI App 20, 380 Wis. 2d 440, 909 N.W.2d 177. There, we held that the sentencing court “lacks the competency to address an allegedly improper disbursement of funds” by the Department. *Id.*, ¶4. Instead, the inmate must file a complaint through the inmate complaint review system and then, if necessary, seek review in the circuit court by filing a petition for writ of certiorari. *Id.*, ¶¶4-6.

O’Neal has not attempted to explain how his situation is different from that in *Williams*. Therefore, we conclude that the circuit court properly denied his motion due to lack of competency.

IT IS ORDERED that the order appealed is summarily affirmed under WIS. STAT. RULE 809.21.

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals