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DISTRICT I

May 6, 2019

To:

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

2017AP1512-CR State of Wisconsin v. James R. Washington (L.C. # 2008CF3382)

Before Kessler, P.J., Brennan and Dugan, 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).

James Washington, *pro se*, appeals the circuit court's order denying his postconviction motion. Washington sought an order from the circuit court directing the Department of Corrections (DOC) to reduce the percentage of his prison wages deducted for restitution from fifty percent to twenty-five percent. After 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.

Washington was convicted after a jury trial of four counts of first-degree intentional homicide in the shooting deaths of four people in 2008. He was sentenced to four consecutive life sentences without the possibility of release on extended supervision and ordered to pay approximately \$22,000 in restitution. DOC initially deducted twenty-five percent of Washington's prison wages for restitution. In July 2016, DOC began deducting fifty percent of Washington's prison wages for restitution. Washington unsuccessfully challenged DOC's increase in the deduction percentage for restitution by filing multiple inmate complaints in late 2016. It is unclear whether Washington sought certiorari review in the circuit court. In June 2017, Washington moved his sentencing court to order DOC to reduce the percentage of his prison wages deducted for restitution to twenty-five percent, arguing that at the time of his offense Wisconsin law allowed no more than twenty-five percent of a prisoner's wages to be deducted for restitution. The circuit court denied the motion.

State v. Williams, 2018 WI App 20, 380 Wis. 2d 440, 909 N.W.2d 177, is dispositive. In *Williams*, we held that the circuit court lacked competency to address a motion to prohibit DOC from deducting funds from an inmate's prison account to pay restitution. *See Id.*, ¶1. We explained that "[t]he circuit court, sitting in its role as the sentencing court, did not have competency to address [the] motion." *See Id.* We further explained that an inmate's "recourse is to the inmate complaint review system ... which, if denied at the administrative level, allows [an

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

inmate] to bring a writ of certiorari to the circuit court.” *See Id.* Because Washington brought this action directly to the sentencing court, rather than through the inmate complaint review system and by writ of certiorari to the circuit court, the circuit court properly concluded that it did not have competency to address Washington’s motion. Therefore, we affirm the circuit court’s order.

Upon the foregoing,

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