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DISTRICT I

July 9, 2019

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

2018AP1012	State of Wisconsin v. Rhonda L. Fifer (L.C. # 1998CF3253)
2018AP1013	State of Wisconsin v. Rhonda L. Fifer (L.C. # 1998CF6104)

Before Brash, P.J., Kessler 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).

Rhonda L. Fifer, *pro se*, appeals the circuit court's order denying her postconviction motion. Fifer sought an order from the circuit court directing the Department of Corrections (DOC) to reduce the percentage of her 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.

In 1999, Fifer was convicted of three counts of first-degree intentional homicide, one count of second-degree recklessly endangering safety, and one count of third-degree recklessly endangering safety. The circuit court ordered Fifer to pay twenty-five percent of her prison wages for restitution, costs, and surcharges. DOC initially deducted twenty-five percent of Fifer’s prison wages for these items. In July 2016, DOC began deducting fifty percent of Fifer’s prison wages. Additionally, in December 2016, DOC began withholding fifty percent of money Fifer received from family and friends for restitution, costs, and surcharges. Fifer moved the circuit court to order DOC to reduce the percentage of her prison wages being withheld to twenty-five percent, arguing that the circuit court ordered that she pay no more than twenty-five percent of her wages for restitution and other costs. The circuit court denied the motion.

State v. Williams, 2018 WI App 20, 380 Wis. 2d 440, 909 N.W.2d 177, is dispositive of the issue on appeal. 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 “the 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 inmate] to bring a writ of certiorari to the circuit court.” *See id.* Because Fifer brought this action directly to the circuit court, sitting in its role as sentencing court, rather than

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

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 Fifer'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