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DISTRICT IV

September 18, 2019

To:

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

2018AP503

State v. Michael J. Aschenbrenner (L.C. # 2012CF159)

Before Fitzpatrick, P.J., Blanchard, and Kloppenburg, 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).

Michael Aschenbrenner appeals an order denying his motion for return of bond money. 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.

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

After we reversed Aschenbrenner's conviction in this case and the circuit court dismissed the criminal complaint with prejudice, Aschenbrenner apparently moved for return of bond money, although that motion is not in the record. Relying on an affidavit from a deputy court clerk, the court concluded that no bond money had been posted in this case, and that the record entry showing that it was posted was in error.

On appeal, Aschenbrenner appears to agree that no bond money was posted directly in this case. Instead, he argues that bond money was transferred to this case from other cases. However, he does not provide factual support for this assertion. His assertion appears to be inconsistent with the clerk's affidavit, which states that bond money from those other cases was used to pay Aschenbrenner's attorney fees. It does not appear that Aschenbrenner challenged that affidavit in circuit court. Accordingly, we have no basis to conclude that there is bond money available to return to Aschenbrenner in this case.

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

IT IS FURTHER ORDERED that this summary disposition will not be published.

Sheila T. Reiff
Clerk of Court of Appeals