



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

March 10, 2020

To:

Hon. Rebecca F. Dallet
Circuit Court Judge
Br. 40
821 W. State St.
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
Room G-8
901 N. 9th Street
Milwaukee, WI 53233

Clayton Patrick Kawski
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Lisa E.F. Kumfer
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Kevin C. Potter
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Devon Allen
2621 W. Pierce St. #324
Milwaukee, WI 53204

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

2018AP280

State of Wisconsin ex rel. Devon Allen v. Ronald Malone
(L.C. # 2017CV12559)

Before Dugan, Fitzpatrick and Donald, 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).

Devon Allen, *pro se*, appeals an order dismissing his petition for a writ of habeas corpus. While the appeal was pending, Allen was discharged from the probation imposed by the circuit court in the criminal proceedings underlying this matter. Accordingly, we conclude that the appeal is moot, and we dismiss it.

Allen pled guilty to one felony charge in each of Milwaukee County Circuit Court case Nos. 2015CF2974 and 2015CF2119. In the former case, the circuit court imposed a twelve-

month jail sentence. In the latter case, the circuit court imposed and stayed an evenly bifurcated twenty-eight-month term of imprisonment and ordered Allen to serve a consecutive three-year term of probation. Allen filed a postconviction motion seeking plea withdrawal. The circuit court denied relief, and we affirmed. *See State v. Allen*, Nos. 2016AP1509-CR and 2016AP1510-CR, unpublished slip op. (WI App Sept. 12, 2017). Allen next filed the petition for a writ of habeas corpus that underlies this appeal. The circuit court denied the petition on the ground that it did not satisfy certain statutory requirements. Allen appeals.

Pursuant to WIS. STAT. § 782.01 (2017-18), a person restrained of personal liberty may, subject to some restrictions, prosecute a writ of habeas corpus to obtain relief from such restraint. Allen, however, is no longer restrained of his liberty. Electronic circuit court docket entries, of which we may take judicial notice, *see OLR v. Hudec*, 2019 WI 39, ¶32, 386 Wis. 2d 371, 925 N.W.2d 540, reflect that Allen completed his jail sentence and has been discharged from his consecutive term of probation. Accordingly, his petition for a writ of habeas corpus has been rendered moot. *See State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶1, 233 Wis. 2d 685, 608 N.W.2d 425 (reflecting that a petition for a writ of habeas corpus is rendered moot by inmate's release). We generally do not consider moot issues on appeal. *See id.*, ¶3. Although we make exceptions to that rule when appropriate, we see no reason to do so in this case.

Therefore,

IT IS ORDERED that this appeal is dismissed as moot.

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

Sheila T. Reiff
Clerk of Court of Appeals