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DISTRICT I

October 26, 2021

To:

Hon. Stephanie Rothstein
Circuit Court Judge
Electronic Notice

John Barrett
Clerk of Circuit Court
Milwaukee County
Electronic Notice

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Myron Elcado Edwards 258315
Redgranite Correctional Inst.
P.O. Box 925
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You are hereby notified that the Court has entered the following opinion and order:

2020AP1478

State of Wisconsin v. Myron Elcado Edwards
(L.C. # 1996CF960232A)

Before Brash, C.J., Dugan and White, 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).

Myron Elcado Edwards appeals an order of the circuit court denying his motion to find the Department of Corrections (DOC) in contempt. Edwards contends that the DOC's withdrawal of funds from Edwards's prison account is in violation of the circuit court's restitution order. Upon our review of the briefs and record, we conclude at conference that this

matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).¹ We summarily affirm.

In 1996, a jury found Edwards guilty of multiple crimes, including, but not limited to, first-degree intentional homicide as a party to a crime and multiple counts of armed robbery as a party to the crime. At sentencing, the circuit court imposed two consecutive life terms without parole, a consecutive aggregate sentence of 260 years in prison, and restitution in an amount to be determined. At the restitution hearing, the circuit court stated that when Edwards obtained prison employment, twenty-five percent of his prison wages would be collected for restitution payments. As relevant to this appeal, the circuit court set Edwards's restitution amount at over \$53,000.

Edwards began filing numerous *pro se* motions challenging his convictions, his sentence, and the restitution order. As relevant to this appeal, on August 3, 2020, Edwards filed a "Notice of Motion and Motion for Contempt of Court," asking the circuit court to find the DOC in contempt for withdrawing twenty-five percent of both his prison wages and his gifted funds, and then later increasing that amount to fifty percent. Edwards argued that the circuit court's restitution order only permitted the DOC to withdraw twenty-five percent of his prison wages, not his personal funds, and that the DOC was not permitted to increase that amount to fifty percent. Edwards alleged that he filed several unsuccessful grievances with the DOC.

The circuit court denied the motion, stating that pursuant to *State v. Williams*, 2018 WI App 20, 380 Wis. 2d 440, 909 N.W.2d 177, it did not have the authority to act on Edwards's

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

complaint. The circuit court stated that Edwards’s grievances could only be addressed through the inmate complaint review system or by a civil claim for relief. This appeal follows.

On appeal, Edwards contends that the circuit court erred in denying his contempt motion without holding an evidentiary hearing; that the circuit court improperly interpreted his contempt motion as a challenge to the DOC’s policies; that the restitution order restricted the DOC’s withdrawal to only twenty-five percent of his prison wages; and that this court should “revisit[]” its decision in *State v. Greene*, 2008 WI App 100, 313 Wis. 2d 211, 756 N.W.2d 411—a restitution case—to “clarify whether a court gets its[] authority from a DOC policy or the Wisconsin Constitution.”

We agree with the circuit court that it lacked the competency to act on Edwards’s contempt motion. Although Edwards denies that his motion was a challenge to DOC policies, his underlying claim challenges the lawfulness of the DOC’s actions, which are regulated by DOC policies. Accordingly, the circuit court appropriately relied on *Williams* in determining that it did not have the competency to decide Edwards’s motion. In *Williams*, we explained that a circuit court, in its role as a sentencing court, lacks the competency to address a prisoner’s challenge to the DOC’s deduction of restitution funds from a prison account. *Id.*, 380 Wis. 2d 440, ¶1. Rather, we explained that a prisoner’s challenge to the lawfulness of DOC withdrawals must proceed through the DOC’s administrative review process and, if necessary, by a writ of certiorari. *Id.*, ¶4 (“Once an inmate is sentenced to prison, he or she is under the control of the executive branch and must address his or her objections to the internal operating procedures of the DOC through the [inmate complaint review system], WIS. ADMIN. CODE ch. DOC 310, and then, if necessary, by writ of certiorari to the circuit court.”).

Here, although Edwards labels his motion as a contempt motion, he is effectively challenging the lawfulness of the DOC's actions, and accordingly, must do so through the DOC itself. Because the circuit court properly determined that it lacked the competency to address Edwards's motion, the court did not err in refusing to hold an evidentiary hearing.²

As to Edwards's request that this court "revis[t]" its decision in *Greene*, we note that this court does not have the authority to overrule, modify, or withdraw language from a prior published opinion. See *Cook v. Cook*, 208 Wis. 2d 166, 189-90, 560 N.W.2d 246 (1997).

For the foregoing reasons, we affirm the circuit court.

² Because we conclude that the circuit court lacked the competency to decide Edwards's motion, we need not discuss whether the restitution order limited the DOC's withdrawal only to prison wages. As stated, the appropriate mechanism for Edwards's challenges is through the inmate review complaint system, and then, if necessary, through a writ of certiorari in the circuit court.

IT IS ORDERED that the order 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