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DISTRICT IV

December 2, 2021

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

2020AP156

In the matter of the guardianship of G.C.: Wisconsin Department
of Corrections v. G.C. (L.C. # 2011GN1)

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

G.C. appeals an order denying his petition for writ of habeas corpus. 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 (2019-20).¹ We affirm.

G.C. is the ward of a guardianship under WIS. STAT. ch. 54. He filed a habeas corpus petition arguing that, when the Department of Corrections petitioned for appointment of a guardian, and appointment of a guardian occurred, the Department had “abdicated” its authority to imprison him. The circuit court denied the petition.

On appeal, G.C. renews his argument that the guardianship order transferred custody of him from the Department to the guardian, and therefore the Department must release G.C. from prison to the custody of the guardian. However, as the Department’s brief explains, the appointment of a guardian did not transfer powers of the Department to the guardian, but instead transferred to the guardian only those powers that are held by the ward. Those powers did not include physical custody of G.C., or the right to determine where he resides, because, due to his criminal conviction, G.C. no longer had those powers. Without attempting to address each point individually, none of the arguments made by G.C. establish that the Department has lost its legal powers over G.C.’s person.

In reply, G.C. argues that the circuit court that denied his habeas petition lacked jurisdiction because it was not the same judge that granted the guardianship petition. This argument has no merit. The original judge retired and, as is necessary, a new judge was assigned to decide the petition.

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

IT IS ORDERED that the order appealed from is summarily affirmed under 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IT IS FURTHER ORDERED that this summary disposition order will not be published.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