



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 IV

February 28, 2013

To:

Hon. John C. Albert
Circuit Court Judge
Dane County Courthouse
215 South Hamilton, Br 3, Rm 4105
Madison, WI 53703

Carlo Esqueda
Clerk of Circuit Court
Room 1000
215 South Hamilton
Madison, WI 53703

Holly C. Pomraning
Assistant Attorney General
P. O. Box 7857
Madison, WI 53707-7857

Dept. of Justice, Civil Litigation Unit
P.O. Box 7857
Madison, WI 53707-7857

Green Bay Correctional Institution
P.O. Box 19033
Green Bay, WI 54307-9033

Jeremy T. Greene 288582
Columbia Corr. Inst.
P.O. Box 900
Portage, WI 53901-0900

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

2011AP1099

State of Wisconsin ex rel. Jeremy T. Greene v. Rick Raemisch
(L.C. # 2009CV263)

Before Lundsten, P.J., Sherman and Kloppenburg, JJ.

Jeremy Greene appeals an order of the circuit court, which denied his request for reinstatement of his work assignment at Green Bay Correctional Institution (GBCI). 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 (2011-12).¹ We summarily affirm.

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

For the time period relevant to this appeal, Greene was an inmate at GBCI and the respondents were employees of the Department of Corrections (DOC). Greene filed a petition in circuit court seeking certiorari review of prison disciplinary proceedings against him. Among other arguments, Greene asserted that he was denied the opportunity to present evidence from an inmate witness at his disciplinary hearing. After issuance of a writ, the circuit court concluded that there was sufficient evidence in the record to support a finding that he was guilty of inadequate work performance.

Greene appealed and, in a decision dated September 9, 2010, in appeal number 2009AP2517, this court affirmed in part, reversed in part, and remanded with instructions for the circuit court to order the DOC to hold a new disciplinary hearing and return legal materials that were seized from Greene. DOC held a new hearing, including testimony from the requested witness, and Greene was again found guilty.

Greene filed a motion in circuit court, requesting that his work assignment as a library clerk at GBCI be reinstated. The circuit court denied the motion, concluding that Greene was required to file a new writ in order for the circuit court to examine the DOC decision entered after the rehearing. In its order, the circuit court relied upon *State ex rel. Iushewitz v. Milwaukee Cnty. Pers. Review Bd.*, 176 Wis. 2d 706, 500 N.W.2d 634 (1993).

In *Iushewitz*, 176 Wis. 2d at 710, the supreme court held that an initial writ of certiorari does not vest the circuit court with “continuing jurisdiction” to issue subsequent orders. We agree with the circuit court that *Iushewitz* controls and, accordingly, we conclude that the circuit court properly denied Greene’s request for reinstatement of his work assignment.

IT IS ORDERED that the order is summarily affirmed under Wis. STAT. RULE 809.21(1).

Diane M. Fremgen
Clerk of Court of Appeals