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WISCONSIN COURT OF APPEALS
DISTRICT IV

May 3rd, 2022

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CLERK OF COURT OF APPEALS
OF WISCONSIN

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P.O. Box 1688
Madsion, WI 53701

Re: SXR. DeLorean L. Bryson v. Cathy Jess, App No. 20AP1949

TO THE COURT:

Per the Court's 3.18.22 order, Appellant Bryson replies

as follows:

In Ortiz, This Court held that the Language used in the restitution statute, § 973.30(10)(a), authorized the sentencing court to issue on ordering relating to the collection of restitution and that none of the oft-cited statutes, i.e. §§ 303.32(1), 301.31, 303.01(8)(b), granted the DOC with exclusive authority which allowed it to disrgard the vaild order on his judgment of conviction.

In the case at bar, the relevant statute, § 973.05(4)(b), not only authorized the sentencing court to order payment of the appellant's outstanding surcharges and fees but also set a ceiling of "not more than 25 percent" and specifically allowed the assign a portion of the appellant's "commissions, earnings, salaries, wages,... and other money" within the order. Taking all of this into consideration, the court ordered the DOC to collect these obligations "from 25° of prison funds." Just like Ortiz, there are no statutes which allow the DOC to ignore the court's order or which authorize it to issue a superceding order at twice the rate of the order and that allowed by statute.

Finally, in Ortiz this Court found that the sentencing court's order could be limited to prison wages which allowed the DOC to set the rate in which it collected resitution from any gifted funds deposited into his prison account. Id. at ¶¶62-66.

While the appellant asserts that his JOC also limitis the collection to his prison wages, the respondent cannot make a similar argument that other deposits are therefore fair game. Unlike the restitution statute, § 973.05(4)(b) specifically list the various income sources under its purview and without any evidence to the conrary, it must be assumed that the sentecing court considered these other options and intentionally marrowed his order to prison-earned funds.

In summary, the Ortiz decision confirms that the "general collection" statutes relied upon by the DOC do not confer the authority to set rates or to countermand/ignore lawful orders of the sentencing court made pursuant to statute.

Respectfully subm,itted,



DELOREAN L. BRYSON

cC: FILED

AAG Steven C Kilpatrick via mail