17AP0320

STATE OF WISCONSIN

COURT OF APPEALS

DISTRICT II

APPEAL CASE NO. 2017AP000320 CR

CIRCUIT COURT CASE NO. 2013CF1209

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

MARQUIS T. WILLIAMS,

DEFENDENT-APPELLANT,

RECEIVED

JUN 21 2017

CLERK OF COURT OF APPEALS
OF WISCONSIN

ON APPEAL FROM AN ORDER DENYING DEFENDANT-APPELLANT'S REQUEST TO INTERVENE/IMPOSE ORDER UPON THE DEPARTMENT OF CORRECTIONS TO FOLLOW DEFENDANT-APPELLANT'S JUDGMENT OF CONVICTION; STOP GARNISHING DEFENDANT-APPELLANT'S MONIES ENTERED IN THE CIRCIUT COURT FOR WAUKESHA COUNTY, THE HONORABLE MICHAEL J. APRAHAMAIN, PRESIDING

BRIEF AND APPENDIX OF DEFENDANT-APPELLANT

MARQUIS T. WILLIAMS #620775

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BRIEF OF DEFENDANT-APPELLANT

STATEMENT OF THE ISSUES

1. Did the legislative give indication that it intended to exercise its discretion to impose that "all" obligations be taken out while offenders are in prison?

2. Does state statute 301.32 (1), replacing and amending the 2015 Wisconsin Act 355; stat. 973.20(11) (c), etc., apply to defendant-appellant?

3. Was the circuit court judge's Order consistent with law, and justified by the laws applicable in this case?

STATEMENT ON ORAL ARGUMENT AND PUBLICATION

The defendant-appellant believes that the briefs filed by the parties to this appeal will adequately develop the issues involved. Therefore, neither Oral Argument nor Publication is requested.

STATEMENT OF THE CASE

October 28, 2016 a memo went out to each unit within the institution (Racine Corr. Inst.), explaining that a new accounting system was installed within the institution, and that "Inmate Obligation Statements" were to be sent to each individual inmate. October 28, 2016 the defendant-appellant received an obligation statement that included the obligation and totals owe by the defendant-appellant. By this time, the defendant-appellant had already paid the obligations, that were to be paid by the defendant-appellant while incarcerated, in-full through

working institution jobs and monies gifted to the defendant-appellant, leaving the defendant-appellant with only (10%) ten percent to be deducted from all of the defendant-appellant's monies for Release Account purposes only. All other obligations are to be paid at a later stipulated date. (See appendix.)

November 2, 2016 another memo went out to each unit within the institution explaining that a new law was to be enforced upon the inmates, and each inmate would have to pay the debts that they are accountable for. The debts would be taken from all monies received by the oblige party, at a rate of (50%) fifty percent, for the remaining time of the debt owe- due to a new DAI Policy. November 2, 2016 the defendant-appellant received a Trust Account Statement, stating the debts owe, along with the balance of October 29, 2016. (See appendix.)

The defendant-appellant has a trust account statement from October 15, 2016 to October 28, 2016, the pay period October 2, 2016 to October 15, 2016 showing the defendant-appellant's income, expenses, start balance of funds, end balance of funds, and a zero balance of debts and obligations owe at that time. Note, no deductions, other than (10%) ten percent for the defendant-appellant's release account was being deducted. (See appendix.)

November 11, 2016 the defendant-appellant received a trust account statement for the pay period November 1, 2016 through November 11, 2016, in which it shows that the new DAI Policy was imposed upon the defendant-appellant deducting (50%) fifty percent of the in-coming monies of the defendant-appellant. (See appendix.)

REFERENCE-DAI POLICY 309.45.02VII (A)

(Effective: 7/1/16) Court ordered restitution, court costs and other obligations.

: (A) When the J.O.C. (Judgment Of Conviction) lists restitution, court costs and other obligations as a condition of E.S. (Extended Supervision) and the inmate is not on E.S. , facilities shall set up the obligation.

: (B) If the J.O.C. includes specific language that the D.O.C. should act or not in any capacity concerning the obligation in contradiction of this policy, forward the J.O.C. to the DAI Financial Manager for review with legal counsel.

November 14, 2016 the defendant-appellant sent an Interview /Information Request form to the R.C.I. –Business office in concern of the monies being deducted. The defendant-appellant clearly explained that the obligation is not to be paid until the defendant-appellant reaches E.S., while also sending a copy of the defendant-appellant's J.O.C.

(See appendix for Interview/ Information Request)

(See appendix for J.O.C)

October 22, 2016 the defendant-appellant received the Interview/Information Request slip back, with a note written on it, for the defendant-appellant to watch the institution channel for updates on the matter, along with a response from the business office informing the defendant-appellant that the D.O.C. and institution has the authority to set-up the obligation payable. (See appendix) **NOTE:** This isn't the original copy of the document, however the defendant-appellant has been having trouble obtaining the original copy from the circuit court, after had sent the original during a request for an intervention.

December 5, 2016 the defendant-appellant sent a letter to the circuit court judge, The Honorable Michael J. Aprahamian, on the matter while presenting part of the defendant-appellant's argument that the defendant-appellant's J.O.C. stipulated on the contrary of the legislative enactment and DAI policy enforcement, while also being imposed prior to the change. The defendant-appellant explained the affect the enforcement of the application of the new DAI policy upon the defendant-appellant has and asked for an intervention from the circuit court judge. Along with a brief letter asking for an intervention, the defendant-appellant sent a copy of the defendant-appellant's J.O.C. along with a letter from the R.C.I.-business office, which was a response to the defendant-appellant on the matter at hand. (See appendix.) **Note:** The letter addressed to the circuit court within the appendix is not the original copy. The defendant-appellant has been having trouble retrieving documents from the courts.

December14, 2016 the defendant-appellant received an Order from the circuit court, signed by The Honorable Michael J. Aprahamian, denying the defendant-appellant's request to have the court stop the D.O.C. from deducting the defendant-appellant's monies. (Signed the 13th day of December 2016.) (See appendix.)

January 4, 2017 the defendant-appellant sent a Motion for Reconsideration to the circuit court. The defendant-appellant included case law and a full argument on why the circuit court should deliberate and intervene in the defendant-appellant's favor.

January 12, 2017 the defendant-appellant received an Order from the court denying the defendant-appellant's request and explaining that the court will take no further action or make no further orders concerning the request. This was signed the 12th day of January, 2017 by the Honorable Michael J. Aprahamian. This was the last Order imposed and the order in which the defendant-appellant is on appeal from. The main objective of the circuit court was the imposition of stat. 973.20(11) (c). (See appendix.)

REFERENCE--------STATE STATUTE 973.20(11) (C)

: If a defendant who is in a state prison or who is sentenced to a state prison is ordered to pay restitution, the court order shall require the defendant to authorize the Dept. to collect, from the defendant's wages and from other money's held in the defendant's prisoner's account an amount or a percentage the Dept. determines is reasonable for payment to victims. :

Effective now as of July 1, 2016

: Enactment Date: April 11, 2016

: Publication Date: April 12, 2016

February 17, 2017 the defendant-appellant's Notice of Appeal, etc. was filed with the circuit court. (See appendix.)

February 23, 2017 the Wisconsin Court Of Appeals; Office Of The Clerk ordered that the defendant-appellant had a total of (10) ten days from the date of the order to enter a payment

plan, pay the ($195.00) one hundred ninety five dollar filling fee, or show good cause for waiving the fee by filing the petition for waiver of fees. (See appendix.)

REFERENCE---------DEFINITION: Indigent Status--- (1) The status given to a party without the financial resources to pay the court fees, and to whom the court grants permission to proceed without paying all the fees. (2) Indigent--- Someone who is unable to afford to pay the fees related to a case. A party must make a motion in the circuit court, the Court Of Appeals, and or the Supreme Court asking to be declared indigent.

February 13, 2017, although before receiving the order from the Wisconsin Court Of Appeals making the defendant-appellant aware of having (10) ten days for the filing fee for costs of the appeal becoming due, the defendant-appellant filed a petition within the Court Of Appeals, as an indigent person, asking to have the filing fee waived completely. (See appendix.)

March 3, 2017 the Wisconsin Court Of Appeals granted an Order in the defendant-appellant's favor, giving permission to the defendant-appellant to proceed without payment of the filing fee. (See appendix.)

Since the granting of the waiver of fees for the filing of the appeal nothing has changed in the defendant-appellant's favor.

REFERENCE

- Stat. 973.20(13) (a): The court in determining whether to order restitution and the amount thereof, shall consider all of the following: 1.) the amount of loss suffered by any victim

as a result of a crime considered at sentencing. 2.) The financial resources of the defendant. 3.) The present and future earning ability of the defendant. 4.) The needs and earning ability of the defendant's dependents. 5.) Any other factor which the court deems appropriate.

- In Forma Pauperis: As a poor person; relieved of the fees and costs of a legal action because of inability to pay.

The D.O.C. enforcing the new law, stat. 973.20(11) (c), upon the defendant-appellant has applied a great burden upon the defendant-appellant, which the defendant-appellant believes was a reason why the sentencing judge made this "un-do hardship" a condition of extended supervision. Stat. 973.20(13) (a) states, "The court, in determining whether to order restitution and the amount thereof, shall consider the following; The financial resources of the defendant, the present and future earning ability of the defendant, and the needs and earning ability of the defendants dependents (in which the defendant has dependents). At this present time the defendant-appellant's financial resources are slim- to-non, being that the defendant-appellant has very little financial support from relatives and friends. Although the institution in which the defendant-appellant is placed in custody at has various job opportunities, beginning at a pay range of (.12) twelve cents per hour, and ending at (.42) fourty two cents per hour, the institution is becoming overcrowded with inmates—leaving the opportunity to obtain a job very scarce. With overcrowding of the institution, the job market is becoming very competitive, more times than likely limited to only part-time work, and to the defendant-appellant's disadvantage the defendant-appellant has been on a work restriction—due to an injury, where the defendant-appellant is on "involuntary unassigned" and receives (.05) five cents per hour. In addition to the

defendant-appellant's disadvantage, once taken off work restriction, it will be more difficult for the defendant-appellant to find occupation due to the overcrowding, being unemployed for a significant amount of time, and with the institution (R.C.I.) favoring the higher rate paying jobs to the new and educated experienced workers, while favoring lower-rate part-time positions to new inmates to the institution. These institutional conditions, along with the D.O.C. intercepting such funds of the defendant-appellant, leaves the defendant-appellant in a state where the defendant-appellant cannot maintain based on current income and expenses, a minimal standard of living according to modern beliefs and standards.

With the defendant-appellant's restitution, etc. being substantially high the defendant-appellant will be subject to such deprivations of lack of hygiene, writing utensils, stamps, the ability to make copies, and the ability of paying filing fees, etc. for the remainder of the defendant-appellant's prison sentence; being released in 2020. Lack of hygiene; soap, lotion, deodorant, washing powder, dish detergent, etc. is a significant issue. Although soap is offered, free of charge, the institution the defendant-appellant is incarcerated at only supply a limited supply of soap to inmates, while the soap offered to inmates also irritates the defendant-appellant's skin, leaving the defendant-appellant to endure painful rashes. The institution does not provide any form of lotion nor skin moisturizer, although the defendant-appellant has a medically recognized skin -condition, and the lack of lotion leaves the defendant-appellant with dry cracking skin that results in a burning sensation. Neither deodorant nor dish detergent is provided, at all, at the institution the defendant-appellant is incarcerated in, leaving the inmates to provide these necessities for themselves. While washing powder isn't provided at the institution the defendant-appellant is held at, the institution does have a laundry department,

strictly provided to wash cloths provided by the institution, free of charge. However when an inmate possesses their own personal items; sweat pants, sweat shirts, under wear, wash cloths, bathing towels, socks, etc.—inmates are subject to provide their own washing detergent for their items. The defendant-appellant is fortunate to have its own personal items, which is encouraged by the institution, due to the constant spread of bacteria disease spread through the institution; via laundry department, etc. Being an indigent inmate without the funds to provide for daily necessities, the defendant-appellant is deprived of hygiene products.

The D.O.C. intercepting the defendant-appellant's funds has played a great part in the defendant-appellant becoming indigent, being that before the imposition of the new law being imposed upon the defendant-appellant the defendant-appellant was not suffering from the lack of funds, and the defendant-appellant was able to save more money and spend on an "as-needed-basis". With the defendant-appellant becoming indigent, the defendant-appellant has been forced to no other option but to file for In Forma Pauperis("as a poor person"), further placing the defendant-appellant in the rears, and if not changed the defendant-appellant will continue to be deprived of writing utensils; paper, pencils, pens, and stamps—that is much needed to keep familial contact and used for communicating with the courts on various issues. Because of this hardship of lack of funds, resulting in deprivation, which is highly aggravated by the enforcement of the new law being applied upon the defendant-appellant, the defendant-appellant will continue to have to apply for legal loans, which are allowed at a limited rate, in order for the defendant-appellant to pay for court fees, stamps of certified mail, and copies of needed materials. After the allowable amount of funds are used by the defendant-appellant to file for indigent status, "In Form Pauperis", the defendant-appellant will have no other way to provide

for writing utensils; pens, pencils, paper, stamps, copies of materials needed, or for the payment of court fees, and would be very far in debt with the institution causing for a mandatory garnishment of every cent of money the defendant-appellant receives in form or way. The enforcement of the new stat.973.20.(11) (c) upon the defendant-appellant has created a great burden on the defendant-appellant, causing deprivation of maintaining a minimal standard of living, by modern principles for the defendant-appellant, that would last for the duration of the defendant-appellants incarceration; a significant amount of time, due to the high amount of restitution, etc. owed by the defendant-appellant, and the financial resources obtained, along with the earning ability of the defendant-appellant. In response to the cause of stat.973.20 (11) (c) being applied upon the defendant-appellant it is causing a separation and lack of communication between the defendant-appellant and the defendant-appellants community supporters, while imposing an un-do hardship upon the defendant-appellant—which is the effect of an inconsistency of application of law applied by the D.O.C., and the Order imposed by the circuit court judge.

In respect of the defendant-appellants "Motion for Reconsideration", when this court reviews in De Novo the intent of the legislative action, the court must presume that presumption can be overcome if the defendant demonstrates, "a clear indication of contrary legislative intent." See Whalen V. U.S., 445 U.S. 684, 691-92; McCloud V. Deppisch, 409 F.3d (7th Cir.)

The intent of 2015 Wis. Act 355 is to "make it easier" for victims restitution to be collected through the D.O.C. and the civil courts and to allow for DNA surcharge, child porn surcharge, victim witness surcharge while in prison. But the intent was not given to "collect"

court cost, supervision fees, fines while in prison. See State V. Ferguson, 202 Wis 2d 233, 243-244.

The legislative has given no indication that it intended to exercise this discretion to impose that "All" obligations be taken out while offenders are in prison. In most cases judges have set the terms of payment in the Judgment of Conviction (J.O.C.). But the D.O.C. feels it can supersede and rewrite J.O.C.'s to fit their needs under Wis. Stat. 302.04 and D.O.C. policy 309.45.02 VII(A).

ARGUMENT

1.) Did the legislative give indication that it intended to exercise its discretion to impose that "All" obligations be taken out while offenders are in prison?

When this court reviews in De Novo the intent of the legislative action, the court must presume that presumption can be overcome if the defendant demonstrates "a clear indication of contrary legislative intent." See Whalen V. U.S., 445 U.S. 684, 691-92; McCloud V. Deppisch, 409 F3d 869 (7th Cir.)

The intent of 2015 Wis. Act 355 is to "make it easier" for victim restitution to be collected through the D.O.C. and the civil courts and to allow for collection of DNA surcharge, child porn

surcharge, victim witness surcharge while in prison. But the intent was not given to "collect" court cost, supervision fees, fines while in prison. See State V. Ferguson, 202 wis. 2d 233, 243-244.

The legislative has given no indication that it intended to exercise this discretion to impose that "All" obligations be taken out while offenders are in prison. In most cases judges have set the terms of payment in the J.O.C.'s, in respect of Stat. 973.20(10) (a). 2015 Wisconsin Act 355; Stat. 973.20(11) (C), etc. opposing Stat. 973.20 (10) (a), being indicated and intended to exercise its discretion to impose that all obligations be taken out while offenders are in prison would be done so in Great Conflict of legislative intent, state statute and the defendant-appellant's J.O.C. When the J.O.C. conflicts with the legislative intent, Department of Correction's policy, or state statue, the J.O.C. stands until amended, by the court. See State V. Perry, 136 wis. 2d. 144.

2.) **Does the 2015 Wisconsin Act 355; stat. 973.20 (11) (c), etc., replacing and amending state statute 301.32(1) apply to the defendant-appellant?**

(A) STANDARD OF REVIEW--- Stat. 973.20 (11) (c): If a defendant who is in a state prison or who is sentenced to a state prison is ordered to pay restitution, the "court order" shall require the defendant to authorize the Department to collect, from the defendant's wages and from other money's held in the defendant's account an amount

or a percentage the Department determines is reasonable for payment to victims. ---- Now effective as of July 1, 2016, and enactment date of April11, 2016.

In respect of the stat. 973.20(11) (c), which is a main factor for the D.O.C. to deduct the defendant-appellant's funds, and also for the circuit court judge to impose the January 12, 2017 Order, the defendant-appellant's J.O.C. is dated the 29th day of September, 2014; (20) twenty months prior to the effective date of stat. 973.20(11) (c). (See appendix.)

Also, within the terminology of stat. 973.20(11) (c), it is stated, "...The court order shall require the defendant to authorize the department to collect..., ... Effective as of July 1, 2016." These are key terms to establish adjective law. Although being effective July 1, 2016, in respect of adjective law, the defendant-appellant's September 29th, 2014 J.O.C. states nothing similar to the terms.

(B) STANDARD OF REVIEW--- Stat. 973.20(10) (a): The court may require that restitution be paid immediately, within a specified period or in specific installments. If the defendant is placed on probation or sentenced to imprisonment, the end of a specified period shall not be later than the end of any period of probation; Extended Supervision or parole.

As presented to the honorable judge, within my September 29th, 2014 J.O.C. it is legally stipulated according to law, "Restitution to be paid Joint and Several with co-defendant. To be paid as a Condition of Extended Supervision. Cost to be paid as a Condition of Extended

Supervision. If Probation/ Extended Supervision is revoked and or a prison term ordered, outstanding financial obligations shall be collected pursuant to statutory provisions, including deductions form inmate prison monies. If discharged with outstanding financial obligations, a civil judgment shall be entered against the defendant and in favor of restitution victims and government entities for outstanding financial obligations." This is concluded legal and correct according to Stat. 973.20(10) (a). In the defendant-appellant's case, this is the defendant-appellant's only incarceration in which the sentence and obligation derived from, and the defendant-appellant has not been revoked leaving the obligations of specified debts undo until a later stipulated time.

In respect of law and liberty, a judge may not be inconsistent with law and the stipulations were complete and legal. The stipulations for victims and government entities have been established and in placed by my sentencing judge as a Final Order; an Order which leaves nothing further to be determined or accomplished in that forum except execution of the judgment and from which an appeal will lie. If the D.O.C. was to impose the new law upon me, making me entitled to the pre-arranged obligations to become due immediately, it would be a violation of the Ex Post Facto Clause.

(See J.O.C. in appendix.)

(C) STANDARD OF REVIEW--- Ex Post Facto Clause/ Wis. Const. Art, I, stat.12. :

When a defense rise Ex Post Facto clause concerns with respect to the application of new law, courts must look to see whether the application violates one or more of that clauses protections. Specifically, a court must determine whether the new law

> criminalizes conduct that was innocent when committed, increases the penalty for conduct after its commission, or removes a defense that was available at the time the act was committed. Only when these protections "are not" violated are retroactive applications allowed. The clauses animating principle is namely that persons have a right to fair warning of that conduct which will give rise to criminal penalties. This principle, fundamental to our concept of constitutional liberty, is premised on the right to know how to conform ones conduct to law, and the consequences of not doing so, at the time one engages in that conduct.

Citing the standard of review "C"," with respect to the application of new law, courts must look to see whether the new law criminalizes conduct that was innocent when committed, increases the penalty for conduct after its commission, or removes a defense that was available at the time the act was committed. Only when these "protections" are not violated are retroactive applications allowed."—In the defendant-appellant's defense, the retroactivity of the application of 2015 Wisconsin Act 355; stat. 973.20 (11) (c), etc., would remove a defense in the defendant-appellant's objection to conform to the new law. The enactment of 2015 Wisconsin Act 355; stat. 973.20 (11) (c), etc. is not and cannot be applied retroactively. Because of this the defendant-appellant's September 29th, 2014 J.O.C. stands.

The defendant-appellant's situation is pretty much germane to similar cases and shell be govern by the laws prior to the contrary effectiveness of 2015 Wisconsin Act 355; stat. 973.20 (11) (c), etc., "when a probation statute was amended after a crime was committed but before the accused pled guilty and was placed on probation, application of the amended statute to probation

revocation proceedings offended the Ex Post Facto Clause. See State V. White, 97 wis. 2d 517,294 n.w. 2d 36 (ct. App 1979).

3.) Was the circuit court judge's Order consistent with law and justified by the laws applicable in this case?

The Waukesha Circuit Court , presiding, the Honorable Michael J. Aprahamian, appointing the Final Order, on the 12th day of January, 2017 was abuse of the judge's discretion, meaning it was an error made on behalf of the honorable judge in making a ruling that is erroneous and not justified by the facts or the law applicable in this case. It was concluded in the January 12th, 2017 Order, that the court finding that, pursuant to 2015 Wisconsin Act 355, amending Stat. 301.32 (1) of the Wisconsin statutes; which were enacted April 11th , 2016 and effective July 1st , 2016, that the Department of Corrections now has the authority to intercept the defendant-appellant's monies according to law, and that the circuit court judge denies the defendant-appellant's request to intervene and impose order upon the Dept. to stop wrongfully deducting the defendant-appellant's monies.

This was done in Great Conflict of the defendant-appellant's J.O.C., legislative intent and state statute, which results in the J.O.C. standing until amended. See State V. Perry, 136 wis. 2d 114.

Wrongfully, the Department was backed by the circuit court judge, while the Department feeling it can supersede and rewrite J.O.C.'s to fit their needs under wis. Stat. 302.04 and D.O.C. policy 304.45.02 VII (A). However, the court, can only amend the J.O.C. if there is a substantial change in sentencing or a clerical error was made in the original J.O.C. See Kruger V. State, 86 wis. 2d 435, 439. Since none of Kruger applies, the court must order the Department to follow the terms in the defendant-appellant's September 29th, 2014 J.O.C.

Within the defendant-appellant's J.O.C., lawfully in respect of Stat. 973.20 (10) (a), the defendant-appellant's J.O.C. was stipulated on the contrary of when and how the restitution is to be paid, rather than the imposition being forced upon the defendant-appellant, while also being in great conflict of how the Department, in support of the January 12th, 2017 Order, has been wrongfully intercepting the defendant-appellant's monies. It is a judge's statutory duty to correct a statutory illegality, being that an administrative may not be inconsistent with the constitution. See Wells V. State, 654 so. 2d 145 (1995).

According to law, the defendant-appellant's J.O.C. was legal and correct. J.O.C.'s being a Final Judgment; a judgment that leaves nothing further to be done on a matter except execute, the terms and stipulations of the J.O.C. shall be imposed. To impose the January 12th, 2017 Order, was to deny the defendant-appellant of his liberty's, while also imposing a legal mistake, which as an effect imposed a violation of the Ex Post Facto Clause. Germane to the illegality in nature, in similar cases, failure to follow mandated statute, sentence—etc. has been modified to correct illegality due to an unlawful sentence, etc.—while having possessed the inherent

authority to correct its judgment. See State V. Borst, 181 wis. 2d 118, 120-22, 510 n.w. 2d 739 (ct. App 1993).

In State V. Borst, the circuit court failed to impose restitution at sentencing when it was mandated by statute. The prosecutor moved to amend the sentence to include restitution. The sentence was modified to correct illegality, because the trial court did not state its reasons for failing to provide restitution, making the defendants original sentence unlawful, but having possessed the inherent authority to correct its judgment by amending the sentence to include restitution.

The January 12th, 2017 Order allowing the enforcement of the new 2015 Wisconsin Act 355; Stat 973.20 (11) (c) was a violation of a constitutional clause due to the fact the new statute cannot be applied retroactively.

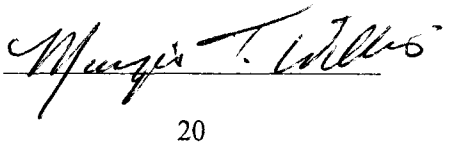
When a defendant rise concerns with respect to the application of new law, courts must look to see whether the application violates one or more of that clauses recognized protections. Specifically, a court must determine whether the new law criminalizes conduct that was innocent when committed, increases the penalty for conduct after its commission, or removes a defense that was available at the time the act was committed. Only when these protections are not violated are retroactive applications allowed. The clauses animating principle is namely that person have a right to fair warning of that conduct which will give rise to criminal penalties. This principle, fundamental to our concept of constitutional liberty is premised on the right to know

how to conform one's conduct to law, and the consequences of not doing so, at the time one engages in that conduct. See Ex Post Facto/ Wis. Const. Art, I, Stat. 12.

In the defendant-appellant's defense, the retroactivity of the application would remove a defense in the defendant-appellant's objection to conform to the new law. The judge's Order was unlawful and a violation of a constitutional clause, possessing the inherent authority to correct the Order by amending the Order in the defendant-appellant's favor, enforcing law upon the Department to follow the defendant-appellant's J.O.C. At the least, the 973.20 statute that was enforced at the time the defendant-appellant's J.O.C. was established is the law in which the courts should impose.

CONCLUSION

For all the above reasons the defendant-appellant request that the circuit courts Order be countered, and enforce the defendant-appellant's J.O.C. stipulations and specifications upon the D.O.C. stopping the D.O.C. from deducting the defendant-appellant's monies, other than (10%) ten percent for the defendant-appellant's release account purposes only.



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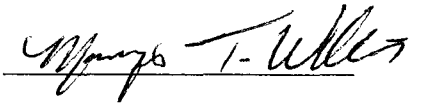
Certification

I hereby certify that this brief conforms to the rules contained in sec. 809.19(8) (b) and (c) for a brief and appendix produced with a serif font. The length of the brief is 2,078.



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Appendix Certification

I hereby certify that filed with this brief, either as a separate document or as a part of this brief, is an appendix that complies with s. 809.9 (2) (a) and that contains, at a minimum: (1) a table of contents; (2) the findings or opinion of the circuit court; and (3) portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using first names and last initials instead of full names or persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

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Subscribed and sworn to before me this

16 day of June 2017

Notary Public

commission expires 24 March 2021

STATE OF WISCONSIN

COURT OF APPEALS

DISTRICT II

APPEAL CASE NO. 2017AP000320 CR

CIRCUIT COURT CASE NO. 2013CF1209

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

MARQUIS T. WILLIAMS,

DEFENDENT-APPELLANT,

ON APPEAL FROM AN ORDER DENYING DEFENDANT-APPELLANT'S REQUEST TO INTERVENE/IMPOSE ORDER UPON THE DEPARTMENT OF CORRECTIONS TO FOLLOW DEFENDANT-APPELLANT'S JUDGMENT OF CONVICTION; STOP GARNISHING DEFENDANT-APPELLANT'S MONIES ENTERED IN THE CIRCIUT COURT FOR WAUKESHA COUNTY, THE HONORABLE MICHAEL J. APRAHAMAIN, PRESIDING

APPENDIX OF DEFENDANT-APPELLANT

MARQUIS T. WILLIAMS #620775

RACINE CORR. INST., P.O. BOX 900 UNIT: WAL-E

STURTEVANT, WI 53177 (Inmate) / Pro Se

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RECORD SECTION