

STATE OF WISCONSIN  
IN THE SUPREME COURT

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**Appeal No. 2024AP2013**  
**Cir. Ct. No. 2022CM780**

**FILED**

SEP 26 2025

**STATE OF WISCONSIN,**  
Plaintiff-Respondent,

CLERK OF COURT OF APPEALS  
OF WISCONSIN

v.

**STEPHEN P. LODWICK,**  
Defendant-Appellant-Petitioner.

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**PETITION FOR REVIEW**

Stephen P. Lodwick, pro se, respectfully petitions the Wisconsin Supreme Court for review of the Court of Appeals' decision filed on September 17, 2025, in State v. Lodwick, Appeal No. 2024AP2013, District II, which affirmed the circuit court's orders denying postconviction relief and reconsideration. This petition is filed pursuant to Wis. Stat. § 808.10 and Rule 809.62.

**I. ISSUES PRESENTED**

1. Whether a defendant who remains subject to a docketed civil restitution judgment following probation completion is still 'in custody' for purposes of Wis. Stat. § 974.06.
2. Whether the Court of Appeals erred in affirming the circuit court's refusal to consider the unresolved civil judgment flowing from the restitution order.

3. Whether clarification is required to resolve conflicting authority and ensure uniformity of Wisconsin law concerning finality, custody, and postconviction remedies.

## **II. CRITERIA FOR REVIEW**

This case presents issues of substantial statewide importance. Wisconsin law has not addressed whether a civil restitution judgment constitutes ongoing custody or restraint under Wis. Stat. § 974.06. The Court of Appeals' decision conflicts with this Court's jurisprudence requiring explicit resolution of all claims for finality (*Tyler v. RiverBank*, 2007 WI 33; *Wambolt v. West Bend*, 2007 WI 35). Further, the decision undermines consistent application of *Mentzel*, 218 Wis. 2d 734 (Ct. App. 1998), which recognized probation as custody. Without guidance, defendants with active civil judgments will be deprived of postconviction remedies despite unresolved financial penalties imposed by criminal courts.

## **III. STATEMENT OF THE CASE**

On August 29, 2022, the State charged Lodwick in Washington County Circuit Court with misdemeanor battery, disorderly conduct, and criminal damage to property. A jury acquitted him of all but disorderly conduct. The court sentenced him to 40 days in jail (stayed for probation) and scheduled restitution.

In August 2023, restitution was set at \$5,705.12 plus surcharges. In June 2024, the court entered a civil judgment for unpaid restitution and costs. Probation was terminated early.

Lodwick filed a postconviction motion seeking a new trial, vacatur of restitution, and relief under Wis. Stat. § 974.06. The circuit court denied the motion, finding he was not

in custody and untimely. The court also denied reconsideration. On September 17, 2025, the Court of Appeals affirmed. The court ruled that once probation ended, Lodwick was no longer in custody, despite the active civil judgment.

#### **IV. ARGUMENT**

A. Civil Judgments from Restitution Constitute Ongoing Restraint Wis. Stat. § 974.06 is designed to ensure postconviction relief for persons restrained by judgments of conviction. Here, the restitution order was docketed as a civil judgment enforceable by collection remedies. Such judgments impair property rights and liberty interests, akin to probationary restrictions. The Court of Appeals erred in treating the matter as resolved when in fact the restitution judgment remains active.

#### **B. Conflict with Precedent**

This Court has required explicit finality in judgments (Wambolt, Tyler). The Court of Appeals' refusal to consider the civil judgment leaves defendants without remedy, creating piecemeal justice. Mentzel acknowledged probation as custody; by parity of reasoning, civil judgments flowing from criminal restitution should be considered ongoing restraint.

#### **C. Statewide Importance**

Restitution judgments are common in criminal cases. The failure to recognize them as continuing restraints creates a class of defendants stripped of appellate rights once probation ends. This is an issue of statewide importance warranting this Court's intervention.

**V. CONCLUSION**

For the foregoing reasons, the Court should grant this Petition for Review, reverse the Court of Appeals' decision, and remand with instructions to address the unresolved civil judgment and related issues of restitution.

Respectfully submitted,



Stephen P. Lodwick

Defendant-Appellant-Petitioner, pro se

Date: 9/23/25

**TABLE OF AUTHORITIES**

State v. Mentzel, 218 Wis. 2d 734, 581 N.W.2d 581 (Ct. App. 1998)

State v. Ruffin, 2022 WI 34, 401 Wis. 2d 619, 974 N.W.2d 432

State v. Wiskerchen, 2019 WI 1, 385 Wis. 2d 120, 921 N.W.2d 730

State v. Pettit, 171 Wis. 2d 627, 492 N.W.2d 633 (Ct. App. 1992)

State v. Arberry, 2018 WI 7, 379 Wis. 2d 254, 905 N.W.2d 832

State v. Aderemi, 2023 WI App 8, 406 Wis. 2d 132, 986 N.W.2d 306

State v. Bonds, 2006 WI 83, 292 Wis. 2d 344, 717 N.W.2d 133

State ex rel. Kalal v. Circuit Court for Dane County, 2004 WI 58, 271 Wis. 2d 633, 681  
N.W.2d 100

Tyler v. RiverBank, 2007 WI 33, 299 Wis. 2d 751, 729 N.W.2d 693

Wambolt v. West Bend Mutual Ins. Co., 2007 WI 35, 299 Wis. 2d 723, 728 N.W.2d 670

Gaethke v. Pozder, 2017 WI App 38, 376 Wis. 2d 448, 899 N.W.2d 381

Popcorn Wagons, Ltd. v. Am. Motors Corp., 2004 WI App 129, 275 Wis. 2d 749, 687  
N.W.2d 380

**APPENDIX**

Pursuant to Wis. Stat. Rule 809.62(2)(f), attached hereto is the Court of Appeals decision in State v. Lodwick, Appeal No. 2024AP2013, filed September 17, 2025. This decision is included to allow the Court to review the opinion being challenged.

[Attached: Court of Appeals Decision, Appeal No. 2024AP2013, filed September 17, 2025]

**CERTIFICATION**

I hereby certify that this Petition for Review conforms to the rules contained in Wis. Stat. § 809.19(8)(b) and (c) for a document produced with a proportional serif font. The length of this petition is within the word count limit.

  
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Stephen P. Lodwick

Defendant-Appellant-Petitioner, pro se

Date: 9/23/25

**CORRECTED TABLE OF AUTHORITIES**

Tyler v. RiverBank, 2007 WI 33, ¶¶3, 27, 299 Wis. 2d 751, 728 N.W.2d 686

Wambolt v. West Bend Mut. Ins. Co., 2007 WI 35, ¶¶34–35, 46 & n.19, 299 Wis. 2d 723, 728 N.W.2d 670

State v. Mentzel, 218 Wis. 2d 734, 741–43, 581 N.W.2d 581 (Ct. App. 1998)

State v. Ruffin, 2022 WI 34, ¶27, 401 Wis. 2d 619, 974 N.W.2d 432

State v. Wiskerchen, 2019 WI 1, ¶¶18, 25, 385 Wis. 2d 120, 921 N.W.2d 730

State v. Pettit, 171 Wis. 2d 627, 646–47, 492 N.W.2d 633 (Ct. App. 1992)

State v. Arberry, 2018 WI 7, ¶¶16–22, 379 Wis. 2d 254, 905 N.W.2d 832

State v. Bonds, 2006 WI 83, ¶6, 292 Wis. 2d 344, 717 N.W.2d 133

State v. Aderemi, 2023 WI App 8, ¶7 n.3, 406 Wis. 2d 132, 986 N.W.2d 306

Gaethke v. Pozder, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381

Koepsell’s Olde Popcorn Wagons, Inc. v. Koepsell’s Festival Popcorn Wagons, Ltd., 2004 WI App 129, ¶¶44–48, 275 Wis. 2d 397, 685 N.W.2d 853

State ex rel. Kalal v. Circuit Court for Dane Cnty., 2004 WI 58, ¶46, 271 Wis. 2d 633, 681 N.W.2d 110

**STATUTES & RULES**

WIS. STAT. § 808.03(1) (finality: order must dispose of the entire matter as to one or more parties)

WIS. STAT. § 808.04(1) (civil appeal time limits; 45/90 days depending on notice of entry)

WIS. STAT. § 808.10; WIS. STAT. (RULE) 809.62 (Petition for Review to Supreme Court)

WIS. STAT. § 974.06 (postconviction relief; custody requirement)

WIS. STAT. § 973.20 (restitution)

WIS. STAT. § 973.055 (domestic abuse surcharge)

WIS. STAT. § 968.075(1)(a) (domestic abuse definition)

WIS. STAT. § 973.015 (expungement)



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