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**DISTRICT II**

September 9, 2015

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

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2014AP2567

State of Wisconsin v. Gill Smith (L.C. # 2009FA387)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

Gill Smith appeals pro se from orders denying his motion to modify child support and motion for reconsideration. 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 (2013-14).<sup>1</sup> We affirm the orders of the circuit court.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version.

In 2009, Smith acknowledged paternity of L.S. and was ordered to pay child support. In June 2014, he moved to suspend or modify his child support payments on the ground that he was incarcerated. Smith also sought to exclude gift money from the assignment of child support.

The circuit court issued an order summarily denying Smith's requests. Smith moved for reconsideration of the order, which the court also denied. This appeal follows.

Generally, we review a circuit court's decision to modify child support for a proper exercise of discretion. See *Zutz v. Zutz*, 208 Wis. 2d 338, 342, 559 N.W.2d 919 (Ct. App. 1997). We will affirm a court's exercise of discretion if it examined the relevant facts, applied the proper legal standards, and reached a logical decision. *Id.*

Here, the circuit court found that Smith's earning capacity was the same as it was before his incarceration. It also correctly noted that incarcerated persons are not automatically relieved of their child support obligations. See *Rottscheit v. Dumler*, 2003 WI 62, ¶30, 262 Wis. 2d 292, 664 N.W.2d 525. Finally, the court denied excluding gift money from the assignment of child support, as there was no basis to do so. Reviewing the court's decision, we are satisfied that it properly exercised its discretion in denying Smith relief.

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*