COURT OF APPEALS
DECISION
DATED AND FILED

March 7, 2013

Diane M. Fremgen
Clerk of Court of Appeals

Appeal Nos. 2012AP159-CR
2012AP160-CR

Cir. Ct. Nos. 2010CT229,
2011CM557

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT IV

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

ERWIN D. BECKOM,

DEFENDANT-APPELLANT.

APPEAL from judgments and an order of the circuit court for La Crosse County: SCOTT L. HORNE, Judge. *Affirmed*.

¶1 LUNDSTEN, P.J.[1] Erwin Beckom appeals judgments and an order of the circuit court applying a cash bond, that was posted relating to a case that

[1] This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2011-12). All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

was dismissed, toward a fine relating to a charge in a different case. Beckom argues that WIS. STAT. § 969.02(7) requires that a court return a bond posted in a case in which the charges have been dismissed and, thus, the circuit court erred by applying the bond he posted on the case that was dismissed and read in to the fine resulting from a conviction in a different case. Because Beckom's argument would lead to an absurd result under § 969.02, I affirm the decision of the circuit court.

Background

¶2 On April 5, 2010, in case no. 2010CT229, the State filed a criminal complaint charging Beckom with one count of operating a motor vehicle while intoxicated as a second offense, one count of operating a motor vehicle with a prohibited alcohol concentration as a second offense, and one count of operating a motor vehicle after revocation as a third offense. Beckom was released on a $1,000 signature bond, with the conditions that he have no alcohol and not enter any bars or taverns.

¶3 On April 11, 2011, in case no. 2011CM470, the State filed a criminal complaint charging Beckom with one count of misdemeanor bail jumping and set a $250 cash bond, which Beckom posted. On May 3, 2011, in case no. 2011CM557, the State filed a criminal complaint charging Beckom with two counts of misdemeanor bail jumping. And, on May 23, 2011, in case no. 2011CM659, the State filed a criminal complaint charging Beckom with three counts of misdemeanor bail jumping and set a $1,000 cash bond, which Beckom posted.

¶4 All of these charges were settled simultaneously through a plea agreement. Pursuant to that agreement, Beckom pled guilty to the charge of

operating with a prohibited alcohol concentration and guilty to the two misdemeanor bail jumping charges from May 3, 2011. The four charges of bail jumping from April 11 and May 23, for which Beckom had posted bond, were dismissed and read in.

¶5 The circuit court imposed a fine of $350 plus costs, for a total of $916. The court, over Beckom's objection, ordered that the $1,000 bond posted for the bail jumping charges from May 23, 2011, be applied toward the fine.

Discussion

¶6 Beckom argues that, because the case for which he posted bond was dismissed, his bond money should have been returned to him rather than used to pay the fine in another case.[2] Under these circumstances, I disagree, and conclude that the circuit court properly ordered the bond Beckom posted on the dismissed and read-in case to be applied to the fine for the operating with a prohibited alcohol concentration charge for which he was convicted.

¶7 WISCONSIN STAT. § 969.02 governs the administration of bail for defendants charged with misdemeanors. This statute allows a judge to require a defendant to post a cash bond for his or her release. WIS. STAT. § 969.02(2). Pursuant to § 969.02(6), "[w]hen a judgment of conviction is entered in a prosecution in which a deposit had been made in accordance with sub. (2), the

[2] The parties dispute whether the fact that the case for which the bond was posted was *read in* matters. Beckom argues that a read-in charge is no different than any other dismissed charge and, therefore, any bond posted on the read-in charge must be returned. The State, however, argues that read-in charges are part of the "prosecution" and therefore do not fall under the constraints of WIS. STAT. § 969.02(7). Because we reject Beckom's argument for other reasons, we need not address the State's read-in argument.

balance of such deposit … shall be applied … to the payment of the judgment." If, however, "the complaint against the defendant has been dismissed … the entire sum deposited shall be returned." WIS. STAT. § 969.02(7).

¶8 The construction of WIS. STAT. § 969.02 and its application to this set of facts is a question of law that we review de novo. *See* ***Orion Flight Servs., Inc. v. Basler Flight Serv.***, 2006 WI 51, ¶16, 290 Wis. 2d 421, 714 N.W.2d 130. This statute must be interpreted to "avoid absurd or unreasonable results." *See* ***State ex rel. Kalal v. Circuit Court for Dane Cnty.***, 2004 WI 58, ¶46, 271 Wis. 2d 633, 681 N.W.2d 110.

¶9 Beckom interprets the statutory language "the complaint against the defendant has been dismissed … the entire sum deposited shall be returned" in WIS. STAT. § 969.02(7) as meaning that bond money relating to dismissed charges can never be applied to fines relating to different charges. Beckom argues that the only bond that can be applied to a fine is a bond that was posted for the specific crime of conviction for which the fine was imposed. Thus, according to Beckom, the circuit court here impermissibly applied the bond he posted relating to his dismissed bail jumping charges to the charge of conviction. We conclude that Beckom's interpretation of the statute is unreasonable.

¶10 Under Beckom's interpretation, a defendant charged with assault, but for whom that assault charge was dismissed and reduced to disorderly conduct, could not be required to apply a bond posted for the assault charge to a fine for the conviction of disorderly conduct. This result is absurd. If Beckom means to argue that the "bond" charges in this case were insufficiently related to the charge of conviction to permit the application of the bond to the fines, he does not develop such an argument.

¶11 Because Beckom has failed to persuade me that the circuit court erred, I must affirm.

Conclusion

¶12 For the reasons above, I affirm the circuit court.

By the Court.—Judgments and order affirmed.

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)4.