

**COURT OF APPEALS
DECISION
DATED AND FILED**

December 18, 1997

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. *See* § 808.10 and RULE 809.62, STATS.

No. 96-2017

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN EX REL. KATHY WILLIS-FULANI,

PETITIONER-APPELLANT,

v.

PHIL KINGSTON,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for Dane County:
MARK A. FRANKEL, Judge. *Affirmed.*

Before Dykman, P.J., Vergeront and Roggensack, JJ.

PER CURIAM. Kathy Willis-Fulani appeals from an order affirming a disciplinary decision made by Phil Kingston, warden of the Wisconsin Correctional Center System. That decision, in turn, affirmed a decision of the disciplinary committee at the R. E. Ellsworth Correctional Center. Willis-Fulani

raises several issues concerning the proceeding and its result. We reject her arguments and affirm.

The facts regarding Willis-Fulani's conduct have never been disputed. On March 21, 1995, she set fire to her cell, causing damage to property, injuries to herself and to correctional officers, and evacuation of her cell block. On May 22, 1995, she was issued a conduct report charging her with six violations of the Department of Corrections disciplinary regulations. Those included possession of contraband, disruptive conduct, arson, damage to state property, causing an explosion or fire, and creating a hazard. On June 6, 1995, she was issued an amended conduct report charging the first four offenses listed above, and dropping the latter two. She received a disciplinary hearing on June 19, 1995, at which time she admitted setting the fire in her cell. She was found guilty on all four charges and ordered to pay restitution for all damages resulting from the fire, including her hospital treatment.

WISCONSIN ADM. CODE § DOC 303.66(3) provides that there should be only one conduct report for each act or transaction. If the conduct report erroneously charges an offense, the institution's security director should strike that offense rather than issue a second conduct report. WIS. ADM. CODE § DOC 303.67(3)(b). As a result, Willis-Fulani can, and does, argue that the proceedings were flawed because she did not receive her disciplinary hearing within twenty-one days of the date of the first conduct report, as WIS. ADM. CODE § DOC 303.76(3) requires.

Willis-Fulani cannot reasonably contend, however, that she was prejudiced by the seven-day delay in holding the hearing. The record of the hearing indicates that she was allowed to testify at length and present witnesses

and evidence on her behalf. She was found guilty because she essentially admitted the conduct in question, not because of delay. "If a procedural requirement under this chapter is not adhered to by staff, the error may be deemed harmless and disregarded if it does not substantially affect the rights of the inmate." WIS. ADM. CODE § DOC 303.87. Such was the case here.

Willis-Fulani next argues that she was wrongfully held in temporary lockup between March 21, 1995, and June 19, 1995, in violation of WIS. ADM. CODE § DOC 303.11(3). However, the record does not support that allegation. It does show, however, that during that period she was found guilty on numerous other disciplinary charges unrelated to this incident. It also shows that she was transferred to a different institution during that time, and in her brief, Willis-Fulani states that she was hospitalized for part of that period. In any event, even if placing Willis-Fulani in temporary lockup was error, it was harmless as to this proceeding because there is no showing that it affected the decision of finding her guilty of the charges against her.

Willis-Fulani also devotes a section of her brief to the contention that the proceeding violated her due process rights in several other ways. However, she does not specify the alleged due process violations. We do not review inadequately briefed issues. *See State v. Pettit*, 171 Wis.2d 627, 647, 492 N.W.2d 633, 642 (Ct. App. 1992).

Willis-Fulani next argues that her double jeopardy rights were violated when she was ordered to pay restitution in this proceeding and in a separate criminal proceeding in Racine County Circuit Court. We are unable to review this issue. There are no facts of record concerning the Racine County proceeding.

Willis-Fulani raises several additional issues for the first time in her reply brief. If the appellant fails to discuss an alleged error in the main brief, he or she may not do so in the reply brief. *In re Estate of Bilsie*, 100 Wis.2d 342, 346 n.2, 302 N.W.2d 508, 512 (Ct. App. 1981).

By the Court.—Order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

