

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

March 26, 1998

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. 97-2332**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**STATE OF WISCONSIN EX REL. RANDY D. PURIFOY,**

**PETITIONER-APPELLANT,**

**v.**

**BILL PUCKETT, CLASSIFICATION CHIEF,**

**RESPONDENT-RESPONDENT.**

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APPEAL from an order of the circuit court for Dane County: PAUL B. HIGGINBOTHAM, Judge. *Affirmed.*

Before Eich, C.J., Roggensack and Deininger, JJ.

PER CURIAM. Randy Purifoy appeals from an order affirming a decision by Department of Corrections Classification Chief Bill Puckett. We affirm.

A brief discussion of the functions of the program review committee and classification chief is necessary before turning to the specifics of this case. Each correctional institution has a program review committee (PRC) that reviews the security classification, institution assignment, and program assignment for each inmate at least every six months. *See* WIS. ADM. CODE § DOC 302.18(1)-(4). As to security classification and transfer to a different institution, the PRC makes only recommendations, and the classification chief makes the final decision. *See* WIS. ADM. CODE § DOC 302.18(4) and (10). As to program assignment, however, the PRC actually makes the decision. WIS. ADM. CODE § DOC 302.18(9). *See also* Appendix Note to WIS. ADM. CODE § DOC 302.19, at 21 (“the department’s classification chief has final decisionmaking authority for all security classification changes and transfers. The PRC has this authority for program assignments”).

Purifoy sought certiorari review of a PRC “hearing” at Waupun Correctional Institution held October 23 and 26, 1995. In a decision from the hearing, the PRC recommended that Purifoy be reduced from maximum to medium security classification, and be transferred to Fox Lake Correctional Institution or, pending bed-space availability, any other medium security facility. Purifoy was transferred to Oshkosh Correctional Institution on November 17, 1995, according to his “face sheet.”

Several of Purifoy’s arguments on appeal relate to what he describes as the Waupun PRC’s decision to place him in a sex offender treatment program. The respondent appears to accept that the PRC made such a decision, because his brief on appeal argues that Purifoy cannot seek review of that program assignment decision because he failed to exhaust his administrative remedy by appealing to the superintendent, as WIS. ADM. CODE § DOC 302.18(9) allows.

We see no indication in the record that the PRC actually made such a decision. Its written decision does not appear to order a change in program assignment, and by no reasonable reading does it specifically assign Purifoy to a sex offender treatment program. The statement of facts in Purifoy's appellate brief states: "Upon arrival at Oshkosh Correctional Institution the appellant was informed that the PRC had recommended placement in the sex offender treatment program." The Oshkosh PRC may have made such a decision, but that decision is not before us. Therefore, we decline to consider Purifoy's arguments relating to his assignment to the sex offender treatment program.

Purifoy argues that the circuit court erred by denying his motion to amend the return to the writ. The court denied the motion because Purifoy failed to show that the respondent considered records that were not included in the return. We note that, notwithstanding the court's decision, the respondent provided an additional return consisting of more than four hundred pages. On appeal, Purifoy still fails to identify any specific document that he believes the PRC considered but is absent from the record. We reject the argument.

Purifoy argues that his release date has been computed incorrectly. He raised this concern before the PRC, which advised him that sentence computation is a function of the institution registrar. On appeal, Purifoy concedes that a habeas corpus action against the registrar is the proper method to seek review of sentence calculation. However, he asks rhetorically, can the respondent base his decision on erroneous information "and then be free from judicial review because the erroneous information was supplied by someone else?" The short answer is "yes." Neither the PRC nor the classification chief has the authority to change a sentence computation, *see* WIS. ADM. CODE § DOC 302.21, and both are

entitled to rely on the registrar's computation until it is changed by the appropriate method.

*By the Court.*—Order affirmed.

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

