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DISTRICT I

March 29, 2017

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

2016AP353

State of Wisconsin v. Alfredo Vega (L.C. # 1993CF934212)

Before Kessler, Brash and Dugan, JJ.

Alfredo Vega, *pro se*, appeals from a February 8, 2016 order of the circuit court. The order denied Vega's request to compel the warden at his institution to release his prison trust account funds for the purpose of purchasing copies of records held by the Milwaukee Police Department and to compel the police department to turn over the records.¹ Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for

¹ The circuit court explained, among other things, that Vega did not qualify as a prisoner under the Prisoner Litigation Reform Act for purposes of accessing his trust account and that his remedy for any violation of an open records request was to seek a writ of *mandamus* as a civil remedy.

summary disposition. *See* WIS. STAT. RULE 809.21 (2015-16).² The order is summarily affirmed.

Vega filed a notice of appeal on February 12, 2016, stating that he brought his appeal “under Wisconsin Stat. § 974.06” and that he was appealing “from all defense pretrial and trial motions denied; including, but not limited to, those decided on March 28th, 1994, from the Judgement of conviction, and sentence Imposed on the 16th day of May, 1994; and from the order denying post-conviction motions decided on September 29th, 1995[.]”

By order dated April 20, 2016, we noted that the deadlines for appealing the 1994 judgment of conviction and the 1995 denial of postconviction relief had long since expired. We then construed the notice of appeal as taken from the circuit court’s February 8 order, as that was the only document from which the appeal could be viewed as timely taken. Based on the scope of our jurisdiction, we instructed Vega to limit the issues in his appellant’s brief to those determined by the circuit court’s February 8 order.

Instead of abiding by our order, Vega briefed this appeal as though he is challenging an order denying a WIS. STAT. § 974.06 motion. Our April 20, 2016 order expressly noted, however, that Vega “cannot obtain review in this court of issues in his § 974.06 motion.”

While electronic docket entries indicated that Vega resubmitted his WIS. STAT. § 974.06 motion to the circuit court on April 7, 2016, and that the motion was denied on April 15, 2016,

² All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

Vega did not file a new notice of appeal for that order. It is not before us in this appeal.³ Vega's appellant's brief does not discuss the February 8, 2016 circuit court order. We therefore deem the matter abandoned. *See State v. Allen*, 2004 WI 106, ¶26 n.8, 274 Wis. 2d 568, 682 N.W.2d 433; *Reiman Assocs., Inc. v. R/A Advert., Inc.*, 102 Wis. 2d 305, 306 n.1, 306 N.W.2d 292 (Ct. App. 1981).

Upon the foregoing,

IT IS ORDERED that the February 8, 2016 order is summarily affirmed.

Diane M. Fremgen
Clerk of Court of Appeals

³ In his reply brief, Vega asserts that he “filed his appeal to this court on May 20, 2016 in which this court accepted as timely filed post-conviction appeal petition.” We have no filing from Vega dated or received on May 20, 2016. In any event, the only way an appeal as a matter of right can be commenced is by the timely filing of a notice of appeal with the appropriate circuit court clerk. *See WIS. STAT. RULE 809.10(1)(a), (e).*