

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

March 28, 1996

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.

NOTICE

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

No. 95-0967

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

**STATE OF WISCONSIN EX REL.
CARL A. ESTRADA,**

Petitioner-Appellant,

v.

**STEPHEN M. PUCKETT,
OFFENDER CLASSIFICATION,
and WISCONSIN DEPARTMENT OF CORRECTION,**

Respondents-Respondents.

APPEAL from an order of the circuit court for Dane County:
JACK F. AULIK, Judge. *Affirmed.*

Before Eich, C.J., Dykman and Sundby, JJ.

PER CURIAM. Carl Estrada appeals an order affirming a decision of the Racine Correctional Institution Program Review Committee. Estrada, who is serving a sentence of life plus twenty-eight years, desired a minimum security placement. The review committee convened a hearing and

decided to continue him in medium custody. The trial court affirmed that ruling on the merits. We affirm the trial court because Estrada never pursued his administrative remedies.

Estrada waived his appearance at the committee's hearing, and asked the committee not to review his status. Certiorari review becomes impossible where the petitioner chose not to contest the matter during the administrative proceeding. *See, e.g., State ex rel. Jones v. Franklin*, 151 Wis.2d 419, 425, 444 N.W.2d 738, 741 (Ct. App. 1989).

Additionally, Wis. ADM. CODE § DOC 302.19(9) provides that an inmate may appeal a program assignment to the superintendent within ten days of the committee's decision. Estrada did not appeal under this section. Judicial relief on certiorari is denied where parties fail to exhaust their administrative remedies. *State ex rel. Braun v. Krenke*, 146 Wis.2d 31, 39, 429 N.W.2d 114, 118 (Ct. App. 1988).

Costs are assessed against Estrada. Upon service of this order and the order taxing costs, the appropriate officer of the institution in which the appellant is currently incarcerated shall deduct the amount of the costs from the total in the appellant's inmate account as of the date of this order and pay that amount to the respondent. Section 814.29(3)(b), STATS.

By the Court. – Order affirmed and costs awarded to respondent.

This opinion will not be published.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