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**DISTRICT IV**

August 30, 2017

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

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2016AP1302-CR                      State of Wisconsin v. Christopher J. Doyle (L.C. # 2006CF2907)

Before Lundsten, P.J., Blanchard, and Kloppenburg, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Christopher Doyle appeals an order denying his “petition for sentence modification.” Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2015-16).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

Doyle argues that when his extended supervision was revoked his term of reconfinement should have been set by the circuit court, rather than by the Department of Corrections. Doyle argues that it should have been the circuit court because that was proper under the statute that was in effect when he was first sentenced, even though that statute was later changed.

The State responds that Doyle's exclusive remedy to challenge the reconfinement order was certiorari, and that even if the circuit court should have construed his "petition for sentence modification" as one for certiorari, it would then have been untimely, and therefore must be denied. In reply, Doyle asserts that he is actually seeking relief under WIS. STAT. § 974.06, which has no time limit. He contends that relief under that statute is appropriate because under it a circuit court has inherent authority to modify a sentence.

Doyle's reply fails because, in the cases he cites, the circuit court was modifying a sentence imposed *by the circuit court*. Doyle does not provide any authority for the proposition that a circuit court has inherent authority to modify a reconfinement decision made by an administrative agency.

Beyond that reply, Doyle does not dispute that certiorari was the proper method to seek review of the reconfinement decision, or that his petition was untimely if construed as one for certiorari. Therefore, we conclude that the petition must be denied.

Furthermore, even if we were to review the merits of Doyle's claim, he provides no legal support for the specific relief he seeks. In the conclusion of his opening brief, the only concrete forms of relief he requests are that he "be remanded for a discharge from extended supervision" and that the Department be ordered to "post a memo on every unit" regarding retroactive application of the relevant statutes.

Even if we were to agree with Doyle that the reconfinement decision should not have been made by the Department, we do not see, and Doyle does not explain, how that would result in his discharge from supervision. Instead, the more likely remedy would be for him to be sent to circuit court for a new reconfinement decision. And, as to the posting of memos, Doyle does not explain how that form of broad prospective relief would be appropriate in a certiorari review of a single decision by the Department.

IT IS ORDERED that the appealed order is summarily affirmed under WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*