

State of Wisconsin Supreme Court <sup>civil &</sup> Criminal / Traffic

State of Wisconsin

Case No: 2005 CF 1445

v.

Scott Prouty

December 7, 2019

FILED

DEC 13 2019

CLERK OF SUPREME COURT  
OF WISCONSIN

Motion for Judicial  
Review.

Prouty, pro-se seeks a Judicial Review of the States decision, specifically the increase of deductions to 50% for all fines, restitution, postage, health care, court costs, legal loan and 100% deductions from all funds for postage overdraft and State Filing Fees. See Exhibit Trust Account Statement.

Memorandum

Prouty states that his 8<sup>th</sup> amendment right to the USCA has been violated for cruel and unusual punishment; also he states that Sections 10, 8, and 9 of the Wisconsin Constitution were violated.

Prouty's 8<sup>th</sup> amendment right was and has been violated, as the payment plans imposed outside of prior court order (all payments 25%), all excessive and deny Prouty basic needs. This is cruel and unusual punishment to

Prouty as he can't afford hygiene products such as shampoo, razors, and other basic need products. Prouty has to "trade" food from his tray to buy partials or razors and at times pulls hygiene out of the trash can - people throw out remnants, a dull razor, near empty bottles of lotion & shampoo, etc. This is cruel and unusual punishment to try to be presentable as clean shaven and odor and disease free.

To take 100% for court filing fees is federally unconstitutional. Taking more than 20% also is contrary to 28USCA 551915 (2) and (3). also the state has created the environment that to file a complaint on appeal can ruin what little prison life a person has while incarcerated by impoverishing that individual with abusive payment plans. See Smith v. Huidbrechtse, 151 F. Supp. 2d 1040, Wisconsin Eastern District, 2001 - The state filing fee for a legal filing was to be 20% of the average monthly deposit or average monthly deposit over 6 month period. It is reasonable to believe that all payments subsequent should be based on this same formula, as was the case. Why then is prouty being charged rates of 50% and 100%?

State of Wisconsin Supreme Court <sup>civil</sup> Criminal/Traffic

State of Wisconsin

Case no: 2005 CF 1445

vs.

Scott Preuty

December 7, 2019

FILED

DEC 13 2019

CLERK OF SUPREME COURT  
OF WISCONSIN

Motion for Judicial  
Review.

Preuty, pro-se seeks a Judicial Review of the States decision, specifically the increase of deductions to 50% for all fines, restitution, postage, health care, court costs, legal loan and 100% deductions from all funds for postage overdraft and state Filing Fees. See Exhibit Trust Account Statement.

Memorandum

Preuty states that his 8<sup>th</sup> amendment right to the USCA has been violated for cruel and unusual punishment; also he states that Sections 6, 8, and 9 of the Wisconsin constitution were violated.

Preuty's 8<sup>th</sup> amendment right was and has been violated, as the payment plans imposed outside of prior court order (all payments 25%), all excessive and deny Preuty basic needs. This is cruel and unusual punishment to

Prouty as he can't afford hygiene products such as shampoo, razors, and other basic need products. Prouty has to "trade" food from his tray to buyentials or razors and at times pulls hygiene out of the trash can - people throw out remnants, a dull razor, near empty bottles of lotion & shampoo, etc. This is cruel and unusual punishment to try to be presentable as clean shaven and odor and disease free.

To take 100% for court filing fees is federally unconstitutional. Taking more than 20% also is contrary to 28 USC 551915 (2) and (3). also the state has created the environment that to file a complaint on appeal can ruin what little prison life a person has while incarcerated by impoverishing that individual with abusive payment plans. See Smith v. Hubbrecht, 151 F. Supp. 2d 1040, Wisconsin Eastern District, 2001 - The state filing fee for a legal filing was to be 20% of the average monthly deposit or average monthly deposit over 6 month period. It is reasonable to believe that all payments subsequent should be based on this same formula, as was the case. Why then is prouty being charged rates of 50% and 100%?

Prouty feels this is very vindictive and cruel. It deters prouty from filing even torts where he was physically beaten by jail staff for peaceful protest. To take 100% of all funds, and to cause such mental and physical stigmas is an 8th amendment violation and goes against Wisconsin Eastern District case law precedent.

In addition Prouty refers to his J.O.C. of case 2005CF1445 that states that 25% of prouty's prison wages are to be paid towards court ordered obligations. See J.O.C. exhibit.

So how is it that the State has allowed the D.O.C. to act above the court of jurisdiction of the original offense and the Federal Law, Constitution and Federal case precedent? I don't know.

Prouty seeks Remedy of funds taken at a rate of 100% & 50% to be refunded at a rate <sup>the difference of</sup> 20%, and all future deductions should be either 20% or 25% to be in compliance.

R. Prouty, #474076

Dec. 7, 2019

State of Wisconsin vs. Scott Nmi Prouty

**Judgment of Conviction**

Amended  
Sentence to Wisconsin State Prisons and Extended Supervision  
Case No.: 2005CF001445

**RECEIVED**

DEC 13 2019

CLERK OF SUPREME COURT OF WISCONSIN

Date of Birth: 08-19-1967

Conditions of Extended Supervision:  
Obligations: (Total amounts only)

*Double Jeopardy*

Fine	Court Costs	Attorney Fees	<input type="checkbox"/> Joint and Several Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
	40.00			7,521.23	170.00	4,141.93	75,212.27

Ct.	Condition	Length	Agency/Program	Begin Date	Begin Time	Comments
1	Ignition interlock	8 YR		03-19-2007		Concurrent.
2	Ignition interlock	8 YR		03-19-2007		Consecutive to the Ignition Interlock on count #1.

Ct.	Condition	Agency/Program	Comments
1	Costs		Per Review Hearing held 07-07-2009 - Court removes court ordered DNA surcharge. Defendant is still ordered to provide a DNA sample.
1	Prohibitions		Defendant is not to possess or consume any alcohol/drugs. Absolute Sobriety. Defendant to be involved in all treatment deemed appropriate ASAP. Follow through with all recommendations of DOC/Agent. May not possess a firearm. Defendant not to drive a vehicle without a valid driver's license. Count #5 - #8 DRI
1	Restitution		Restitution determined at Restitution Hearing held 09/27/2007. Court orders 25% of Prison wages to be applied toward Court ordered financial obligations. Defendant to pay Restitution over the duration of his sentence.

*25%* →

*25%* →

Per Decision Hearing held March 24, 2009, Court agrees with the defendant in part, that \$22,277.25 in civil attorney's fees should not be granted as part of the restitution judgment. Therefore, Judgment of Conviction corrected with Restitution set at \$75,212.27. Court orders 25% of Prison wages to be applied toward Court ordered financial obligations. Defendant to pay Restitution over the duration of his sentence. (\$150.00 has been applied to restitution).

If probation is revoked and/or a prison term ordered, outstanding financial obligations shall be collected pursuant to statutory provisions, including deductions from inmate prison monies. If discharged with outstanding financial obligations, a civil judgment shall be entered against the defendant and in favor of restitution victims and government entities for outstanding financial obligations. Collections may include income assignment.

2 Costs

*ROSOTROS*

Pursuant to §973.01(3g) and (3m) Wisconsin Statutes, the court determines the following:

- The Defendant is  is not  eligible for the Challenge Incarceration Program.
- The Defendant is  is not  eligible for the Earned Release Program.

WI DOC  
REPORT NO. IBSR903 - 92

## Trust Account Statement

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PROCESSED: 11/11/2019 13:13

Stanley Correctional Institution  
From 10/28/2019 through 11/11/2019  
Canteen Statement

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CLERK OF SUPREME COURT  
OF WISCONSIN

DOC #: 474076  
Name: PROUTY, SCOTT  
Location: SA/UT\_38/\_U

## Account Balances:

Account Type	Start Balance	End Balance	Hold Balance
REG	\$0.00	\$0.00	\$0.00
REL	\$0.00	\$0.00	\$0.00
Total:	\$0.00	\$0.00	\$0.00

## Debts and Obligations:

Total Deposited, Not yet Distributed: \$0.00

Payable	Facility	Pfx	Info Number	Balance	Status	%
Postage Charge OD	SCI	00	05CF01445	\$16.35	Open	100
State Filing Fee	NLCI	00	Invoice 183132017AP000569	\$65.87	Open	100
State Filing Fee	NLCI	00	Invoice 18414 Casc # 2017AP001422	\$195.00	Open	100
State Filing Fee	NLCI	00		\$195.00	Open	100
Restitution (Court Ordered)	DCI	AA	05CF01445	\$74,847.22	Open	50
Medical Co-pay	NLCI	00	07/06/2017	\$45.00	Open	50
Legal Loan (Indigent)	NLCI	00	06/13/2017	\$41.11	Open	50
Legal Loan - Postage	SCI	00	05CF01445	\$10.95	Open	50
Legal Loan - Supplies	SCI	00	05CF01445	\$9.90	Open	50
Legal Loan - Copies	SCI	00	05CF01445	\$6.30	Open	50
Court Costs	DCI	AA	05CF01445	\$7,561.23	Open	50

## Account Activity:

Date	Acct Type	Facility	Transaction Description	Receipt/Info Number	Amount
10/28/2019	Medical Co-pay	SCI	Increase Amount Owed	07/06/2017	\$7.50
11/06/2019	REG	SCI	Student 002 10/20/19-11/02/19 Reg:20@\$0.15		\$3.00
11/06/2019	REG	SCI	Repay the Postage OVERDRAFT	09/17/2019	(\$3.00)
11/06/2019	REG	SCI	Involuntary Unassigned 001 10/20/19-11/02/19 Reg:40@\$0.05		\$2.00
11/06/2019	REG	SCI	Repay the Postage OVERDRAFT	09/17/2019	(\$2.00)
11/06/2019	REG	SCI	Involuntary Unassigned 002 10/20/19-11/02/19 Reg:20@\$0.05		\$1.00
11/06/2019	REG	SCI	Repay the Postage OVERDRAFT	09/17/2019	(\$1.00)

\* Division of Adult Institutions not collecting at this time. Balance to be addressed with the Division of Community Corrections upon release.