

OFFENDER COMPLAINT

INSTRUCTIONS: SEE REVERSE SIDE

OFFENDER NAME (If group complaint, enter name of spokesperson)		DOC NUMBER
Harlan Richards		37975
INSTITUTION NAME	OFFENDER HOUSING UNIT	CELL OR ROOM NUMBER
SCI	3A	18
DATE OF INCIDENT OR DENIAL OF REQUEST		
Ongoing		

TO BE FILLED IN BY ICE ONLY
DOC COMPLAINT FILE NUMBER
DATE COMPLAINT RECEIVED
CODE NUMBER

STATE YOUR COMPLAINT

On July 5, 2011, Dane County Circuit Court Judge C. William Fouse issued his order in Stat ex rel Richards v Heise, 11 CV 1723, stating in pertinent part:

"IT IS HEREBY ORDERED AND ADJUDGED THAT the January 25, 2011, decision increasing Richards's custody classification from minimum to medium is vacated and Richards is restored to his pre-January 25 status."

I received the court's order in the mail on July 16, 2011 and am attaching a copy to this grievance.

Pursuant to DOC 302.19(1) I cannot be held in SCI unless I am assigned to SCI or there is a "clinical, medical or security emergency." There is no emergency and I am assigned to Gordon Correctional Center.

There is no procedure for me to seek implementation of the court's order so I am filing this grievance and asking that I be scheduled for return to Gordon Correctional Center. There is a weekly trip made to the northern centers and I would like to be scheduled to return to Gordon on one of the upcoming trips.

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NAME(S) OF PEOPLE WHO HAVE INFORMATION ABOUT THIS COMPLAINT

I showed the court order to Ms. Spletter and she declined to take any action.

SIGNATURE OF OFFENDER OR SPOKESPERSON

Harlan Richards

DATE SIGNED

July 25, 2011

NOTICE TO OFFENDER: The ICE will acknowledge your complaint within 5 working days of the date of receipt.

STATE EX REL. HARLAN RICHARDS,
Petitioner,

vs.

CASE NO. 11-CV-1723

MARK HEISE
Defendant.

DECISION AND ORDER ON PETITIONER'S PETITION FOR CERTIORARI

This case is before the Court on Harlan Richards' Petition for a Writ of Certiorari filed April 12, 2011. Richards seeks review of the January 25, 2011, custody classification decision of Mark Heise. On May 18 Richards filed a motion seeking temporary relief. The Record was filed May 27. I scheduled Richards' motion for hearing on July 5. In the meantime, on June 16, 2011, the Court of Appeals ruled that Heise's 2008 custody classification decision in Richards' case was arbitrary.


On July 5, 2011, having reviewed the Record and the Court of Appeals decision, I concluded that Heise's decision in the case before me was based on the same information and considerations relied upon in the 2008 decision reversed by the Court of Appeals. Therefore, for the reasons stated on the record,

IT IS HEREBY ORDERED AND ADJUDGED THAT the January 25, 2011, decision increasing Richard's custody classification from minimum to medium is vacated and Richards is restored to his pre-January 25 status.

Dated this 5th day of July, 2011.

cc: Assistant Attorney General Melissa Rhone
Harlan Richards

BY THE COURT


C. William Foust
Circuit Court Judge, Branch 14

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