

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 25, 2008

David R. Schanker
Clerk of Court of Appeals

NOTICE

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

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2007AP1086

Cir. Ct. No. 1999CF1714

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

RANDALL D. ALSTON,

DEFENDANT-APPELLANT.

APPEAL from a judgment and an order of the circuit court for Milwaukee County: JEFFREY A. KREMERS, Judge. *Affirmed.*

Before Curley, P.J., Fine and Kessler, JJ.

¶1 PER CURIAM. On February 18, 2000, Randall D. Alston was convicted of various crimes, including attempted first-degree intentional homicide as a party to a crime and armed robbery. The judgment of conviction was signed by the circuit court's clerk. Alston filed a postconviction motion seeking "to

annul” his convictions, arguing that WIS. STAT. § 972.13 (1999-2000)¹ “does not [allow] the Clerk of Court to act independently of the Circuit Court to sign and render a Judgment of Conviction without the Written Direction of the judge.” On that basis, he argued that his conviction was void and should be expunged. The circuit court denied the motion and Alston’s request for reconsideration. Alston appeals. We conclude that Alston’s appeal is without merit, and we affirm the judgment of conviction and the postconviction order.

¶2 Alston’s contention in his postconviction motion is entirely procedural, and it does not allege that he has been personally prejudiced in any way by the alleged procedural error. Rather, he argues that by signing a judgment, a clerk “act[s] as imposter judge” and a “deceiver under false character.” Although he contends that the clerk is guilty of crimes, he points to no error in the judgment other than the allegedly improper signature.

¶3 Not only is Alston’s complaint regarding the clerk’s alleged lawbreaking irrelevant to his case, it is incorrect. WISCONSIN STAT. § 972.13(4) (1999-2000) provides that “[j]udgments [of conviction] shall be in writing and signed by the judge or clerk.” In addition, WIS. STAT. § 971.26 (1999-2000) provides that “[n]o ... judgment ... shall be affected by reason of any defect or imperfection in matters of form which do not prejudice the defendant.” Thus, contrary to Alston’s contention, the clerk was statutorily authorized to sign his judgment of conviction. Moreover, even if she had not been so authorized, Alston has not identified any prejudice to him resulting from this alleged defect.

¹ All references to the Wisconsin Statutes are to the 2005-06 version unless otherwise noted.

By the Court.—Judgment and order affirmed.

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

