

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 14, 2000

Cornelia G. Clark
Clerk, Court of Appeals
of Wisconsin

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.

No. 99-3091

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN EX REL. MARIE YOHANN,

PETITIONER-APPELLANT,

V.

**GARY McCAUGHTRY, WARDEN, AND DICK VERHAGEN,
ADMINISTRATOR,**

RESPONDENTS-RESPONDENTS.

APPEAL from an order of the circuit court for Dane County:
RICHARD J. CALLAWAY, Judge. *Affirmed.*

Before Dykman, P.J., Eich and Vergeront, JJ.

¶1 PER CURIAM. Marie Yohann appeals from an order dismissing her petition for certiorari review. The trial court determined that a ruling on her

petition would have no practical legal effect, and therefore declared it moot. We agree, and consequently affirm.

¶2 Yohann frequently visited an inmate at Waupun Correctional Institution. On the day of one of her visits, in January 1999, correctional officers discovered marijuana and \$50 in the inmate's cell. On April 7, 1999, the Department of Corrections suspended Yohann's visiting privileges at all institutions until September 25, 1999. A letter to Yohann explained that:

[I]nmate Thomas Dahlgren was found to be in possession of marijuana after his visit with you. Additionally, information had been received by staff at Waupun Correctional Institution that inmate Dahlgren would be receiving marijuana on his visit that day. Based on the prior information and subsequent finding of marijuana in Inmate Dahlgren's cell it is reasonable to conclude that there was some involvement on your part in delivering the contraband.

¶3 Yohann petitioned for certiorari review of that decision. On October 27, 1999, the trial court dismissed the petition as moot because the suspension had expired and the DOC had reinstated her visiting privileges. On appeal Yohann challenges that determination as well as prior trial court rulings that had either struck or refused to strike certain documents from the record.

¶4 The trial court properly held Yohann's petition moot. A matter is moot, and subject to dismissal, if resolving it cannot have any practical effect on an existing controversy. *See City of Racine v. J-T Enters., Inc.*, 64 Wis. 2d 691, 700, 221 N.W.2d 869 (1974). Yohann had served out her suspension and her visiting privileges had been restored as of the date of the court's determination. She has not shown that the suspension will prejudicially affect her in the future. The controversy was over and remains over.

¶5 We need not decide Yohann's other arguments concerning the content of the trial court and administrative record. The documents the trial court either included or excluded had no bearing on the mootness determination. WISCONSIN STAT. § 805.18(2) (1997-98) provides that an order will not be set aside on review if the error complained of did not affect a party's substantial rights. Because the trial court's rulings played no part in the ultimate determination, they did not affect Yohann's substantial rights.

By the Court.—Order affirmed.

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

