

**COURT OF APPEALS
DECISION
DATED AND FILED**

November 22, 2006

Cornelia G. Clark
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. 2005AP2621

Cir. Ct. No. 2001CF1784

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

JAMES F. KARLS,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Dane County:
ANGELA B. BARTELL, Judge. *Affirmed.*

Before Lundsten, P.J., Dykman and Higginbotham, JJ.

¶1 PER CURIAM. James Karls appeals from an order denying a postconviction motion. We affirm.

¶2 In July 2005, Karls filed what he captioned as a “motion pursuant to Wis. Stats. § 973.13 for an order vacating all of the petitioner’s sentences.” He filed an amended version in August 2005. The circuit court denied the motion. Karls had previously filed a motion with a similar caption in May 2002, the denial of which we affirmed in December 2002.

¶3 As an initial matter, it appears that the entirety of Karls’ motion can properly be denied under WIS. STAT. § 974.06(4) (2003-04).¹ Although Karls has captioned his motions as brought under WIS. STAT. § 973.13, all that statute does is explain what the legal effect will be of a sentence in excess of the statutory maximum. It does not provide for any specific, separate procedural mechanism. In other words, it appears that relief as provided by that section would be sought by filing a postconviction motion under WIS. STAT. RULE 809.30 or § 974.06, as is true of most postconviction issues. Therefore, Karls’ current motion can be construed as his second under § 974.06, which would be barred by § 974.06(4), in the absence of a sufficient explanation by Karls as to why he did not raise the current issues in a previous § 974.06 motion. He has not offered any such explanation.

¶4 We also reject Karls’ arguments on the merits. His first argument appears to be that the circuit court in which he was convicted lacked subject matter jurisdiction. However, the specifics of the argument are a jumble of concepts that do not add up to a coherent argument. It has no merit in its current form. In any event, Wisconsin circuit courts have general original subject matter jurisdiction

¹ All references to the Wisconsin Statutes are to the 2003-04 version unless otherwise noted.

over all civil and criminal matters. *Village of Trempealeau v. Mikrut*, 2004 WI 79, ¶8, 273 Wis. 2d 76, 681 N.W.2d 190. Karls has not explained why the circuit court here did not have subject matter jurisdiction.

¶5 Karls' next argument appears to be that his sentence should be controlled by the statutes of Costa Rica, which would give him parole eligibility after serving one-half of his sentence. He argues that we should apply these Costa Rican statutes because the agreement with the government of Costa Rica that led to Karls' extradition included a phrase stating that Karls' sentence in Wisconsin would be commuted to a lesser sentence "consistent with the principles of the Constitution of Costa Rica." The argument is without merit. Karls points to nothing in the agreement that suggests an agreement to apply Costa Rican parole statutes.

¶6 Karls also argues that the circuit court's decision setting a parole date, which occurred at a second hearing, after the court pronounced a sentence of life imprisonment, was a violation of Karls' right to be free from double jeopardy. We rejected this argument in his previous appeal, and will not address it further. *See State v. Karls*, No. 2002AP1789, unpublished slip op. at 3-4 (Wis. Ct. App. Dec. 27, 2002).

¶7 Finally, Karls makes an argument relating to the prison mailbox rule and the date his postconviction motion was received by the circuit court clerk. It is not clear how this argument has any relevance to whether we should reverse the circuit court's order, or to any other matter of consequence.

By the Court.—Order affirmed.

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

