

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**October 31, 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. 2006AP1356**

**Cir. Ct. No. 2006SC40**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT III**

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**JERRY M. KOLVE,**

**PLAINTIFF-RESPONDENT,**

**V.**

**JASON R. COOK, A/K/A JASON R. DOSH,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment of the circuit court for Pierce County:  
ROBERT W. WING, Judge. *Affirmed.*

¶1 HOOVER, P.J.<sup>1</sup> Jason Cook appeals a judgment awarding damages to Jerry Kolve. Cook appears to contest the dates of the lease, the rental amount owed and the damage to the property Cook rented from Kolve. Cook also asserts

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2). All references to the Wisconsin Statutes are to the 2003-04 version unless otherwise noted.

he is due double the amount of his security deposit. Because Cook's brief violates the rules of appellate procedure and does not identify any legal issues, we affirm the judgment.

¶2 Cook entered into an agreement in September 2005 to rent a three bedroom trailer from Kolve. Cook and Kolve contest the start date of the lease agreement. The trial court determined Cook was responsible for rent for half of September, and all of October, November, and December. Cook claims he vacated the premises at the end of October. The trial court could find no adequate documentation to support Cook's claimed surrender date but did find a letter sent from Kolve to Cook telling Cook not to trespass after December. The trial court therefore determined Cook vacated the premises at that time. The trial court heard testimony regarding a scratched linoleum floor and a broken window and awarded damages to Kolve.

¶3 Cook's briefs do not conform to WIS. STAT. RULE 809.19. Pro se litigants are "bound by the same rules that apply to attorneys on appeal." *Waushara County v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992). Cook fails to provide a proper statement of issues.<sup>2</sup> Rather, Cook merely provides a twenty-six page litany of purported facts and unsupported allegations that the trial court overlooked various issues and "lashed at" and insulted Cook. Cook's statement of the case also fails to conform to RULE 809.19<sup>3</sup> by providing no

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<sup>2</sup> WISCONSIN STAT. RULE 809.19(1)(b) states an appellant brief must contain "[a] statement of issues presented for review and how the trial court decided them."

<sup>3</sup> WISCONSIN STAT. RULE 809.19(1)(d) states an appellant brief must contain

(continued)

citation to the record. Failure of a person to conform to a requirement of RULE 809.19 is grounds for dismissal. *See* WIS. STAT. RULE 809.82(2).

¶4 In addition, Cook’s argument section contains no legal issues appropriate for appeal.<sup>4</sup> This court need not address issues so lacking in organization and substance that for the court to decide the issues, it would first have to develop them. *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992). Instead of developing legal arguments, Cook cites a variety of documents the trial court had available when it made its decision. Cook is attempting to retry the case on appeal. This court only reviews trial court error, and is therefore not the proper forum for retrying the case. *See State ex rel. Swan v. Elections Bd.*, 133 Wis. 2d 87, 93-94, 394 N.W.2d 732 (1986). If there are any actual legal issues in Cook’s argument section, this court is unable to discern them. We therefore affirm the judgment.

*By the Court.*—Judgment affirmed.

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

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[a] statement of the case, which must include: a description of the nature of the case; the procedural status of the case leading up to the appeal; the disposition in the trial court; and a statement of facts relevant to the issues presented for review, with appropriate references to the record.

<sup>4</sup> For example, Cook states, “Mr. Kolve stated that I, Mr. Cook broke a window and the bench for his picnic table – not cool!” “Not cool” is not a legal argument.

