

**COURT OF APPEALS
DECISION
DATED AND FILED**

April 2, 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. 2007AP2730

Cir. Ct. No. 2007CV1120

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

VILLAGE OF WINNECONNE,

PLAINTIFF-RESPONDENT,

V.

FREDERICK A. KRAHN,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Winnebago County:
BRUCE SCHMIDT, Judge. *Affirmed.*

¶1 ANDERSON, P.J.¹ Frederick A. Krahn appeals pro se from an order denying his motion to vacate a conviction and dismiss the underlying

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(b) (2005-06). All references to the Wisconsin Statutes are to the 2005-06 version unless otherwise noted.

complaint in municipal court regarding a parking citation he received for parking in a city lot without a permit. Krahn argues that the requirement of a parking permit is unconstitutional as it creates an obstacle to a person's constitutional right to access and enjoy public waters. We hold that Krahn failed to adequately develop any legal arguments and, therefore, we affirm the judgment.

¶2 On April 14, 2007, Krahn was issued a citation for parking his truck and boat trailer in a parking lot without a boat permit in the Village of Winneconne. Although Winneconne required a boat permit to park in the lot, the city did offer free parking on the street adjacent to the parking lot for those not wanting to purchase a permit. Krahn argues that the requirement of a permit to park in the lot is unconstitutional under the Twenty-Fourth Amendment because it presents an obstacle or penalty to those trying to exercise their constitutional right to access public waters. Throughout the municipal and circuit court trials, Krahn relied on the case of *State v. Town of Linn*, 205 Wis. 2d 426, 556 N.W.2d 394 (Ct. App. 1996), to demonstrate that imposing a permit requirement on public parking lots should not be allowed. However, the circuit court correctly concluded that *Town of Linn* was distinguishable because the municipality in that case did not allow parking of boat trailers on the street, whereas Winneconne does allow free street parking next to the lot. Krahn now argues that it was improper for the court to rule that the ability to park elsewhere justifies the requirement of a parking fee.

¶3 WISCONSIN STAT. § 809.19(1)(e) requires that an argument in an appellate brief be “arranged in the order of the statement of issues presented,” and states:

The argument on each issue must be preceded by a one sentence summary of the argument and is to contain the

contention of the appellant, the reasons therefor, with citations to the authorities, statutes and parts of the record relied on as set forth in the Uniform System of Citation and SCR 80.02.

An appellate court may refuse to review issues that are inadequately briefed and arguments that are not supported by legal authority will not be considered by the court. *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992). Appellate judges cannot serve as both advocates and judges. *Id.* at 647. In the present case, Krahn is representing himself pro se and, although some leniency may be allowed to pro se appellants, a reviewing court has neither a duty to walk them through the proper procedure nor point them towards the proper substantive law. *See Waushara County v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992). Pro se appellants must satisfy all the procedural requirements and are held to the same standards as attorneys are on appeal. *Id.* “The right to self representation is ‘[not] a license not to comply with relevant rules of procedural and substantive law.’” *Id.* (quoting *Faretta v. California*, 422 U.S. 806, 834 n.46 (1975)).

¶4 In the present case, Krahn fails to adequately develop any legal arguments in accordance with WIS. STAT. § 809.19(1)(e). Krahn fails to cite any legal authority in his brief. Although Krahn lists both the Twenty-Fourth Amendment to the United States Constitution and article IX of the Wisconsin Constitution in his table of contents, he only briefly mentions the Twenty-Fourth Amendment in his argument and never mentions article IX. Furthermore, the mention of the Twenty-Fourth Amendment does not advance or support his argument in any way; it is stated only for the purpose of demonstrating the basis of the municipal court’s ruling. Additionally, Krahn fails to cite any case law in support of his arguments in his appellate brief.

¶5 Krahn also fails to follow the procedural requirements of filing an appellate brief. Krahn fails to cite to the record when describing the facts and background of the case as WIS. STAT. § 809.19(1)(e) requires. Krahn does make one reference to the defendant's response in his brief but otherwise does not explain where the facts he has presented can be found.

¶6 We conclude that Krahn failed to adequately develop any legal arguments and did not satisfy procedural requirements of filing an appellate brief. For this court to consider Krahn's arguments, we would first have to develop them further for him and we cannot be both judges and advocates. *See Pettit*, 171 Wis. 2d at 647. We therefore affirm the order of the circuit court.

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.

