

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 21, 2004

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. 03-2792
STATE OF WISCONSIN**

Cir. Ct. No. 03CV000319

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN EX REL. DARRYL M. BUNKER,

PETITIONER-APPELLANT,

v.

DAVID H. SCHWARZ,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for Dodge County:
JOHN R. STORCK, Judge. *Affirmed.*

Before Vergeront, Lundsten and Higginbotham, JJ.

¶1 PER CURIAM. Darryl Bunker appeals an order affirming a decision to revoke his probation. His brief raises issues concerning both the administrative proceeding and the review process used by the circuit court. We need not address the issues pertaining to the trial court's decision because we directly review the administrative revocation proceeding. *Trott v. DHFS,*

2001 WI App 68, ¶4, 242 Wis. 2d 397, 626 N.W.2d 48. We affirm on all the remaining issues.

¶2 On November 13, 2002, Bunker received an imposed and stayed prison sentence, and was placed on probation, following conviction on a felony drug charge. The Department of Corrections (DOC) commenced revocation proceedings after Bunker tested positive for cocaine in December 2002 and positive for marijuana in January 2003. The alleged violations included the two failed drug tests and several related violations, including lying to his probation agent, entering a drug house, and possessing drug paraphernalia.

¶3 Bunker received a hearing on the proposed revocation. The DOC's evidence consisted of the two drug test results and testimony that, after first denying his drug activity, Bunker admitted to the violations. Bunker denied the charges, stating that his admissions were coerced and were not true. He also testified that one of his urine samples was placed with others, and may have been switched. Bunker also offered his opinion that medication he was on may have caused a false positive for marijuana on the other test.

¶4 The hearing examiner found that the drug test results were valid, and expressly rejected Bunker's suggestions to the contrary as not credible. She also expressly found not credible Bunker's recantation of his admissions to the violations. Having deemed the violations sufficiently serious, the hearing examiner ordered revocation. That decision was affirmed on administrative appeal, resulting in this judicial review proceeding.

¶5 Bunker challenges the finding that his admissions were truthful and not coerced under threat of revocation. The hearing examiner resolved that issue against Bunker on credibility grounds. We do not review that determination. *See*

Painter v. Dentistry Examining Bd., 2003 WI App 123, ¶18, 265 Wis. 2d 248, 665 N.W.2d 397.

¶6 Bunker next challenges the use of his drug test results as a basis to revoke him. He contends that the DOC violated procedures concerning the preservation of urine samples, did not properly record the chain of custody, and did not honor his request for retesting. Consequently, in Bunker's view, the results must be held invalid. However, Bunker raised none of these challenges in the administrative proceeding. Failure to raise an issue in the administrative proceeding generally constitutes waiver of that issue on judicial review. *State v. Outagamie County Bd. of Adjustment*, 2001 WI 78, ¶55, 244 Wis. 2d 613, 628 N.W.2d 376. In any event, Bunker offers no facts of record or legal authority to support his contentions.

¶7 Bunker also contends that the administrative record is incomplete. The documents he wants added, however, were not introduced during the administrative proceeding. Judicial review contemplates review of the record developed before the agency. *Id.* Parties may not use a judicial review proceeding to develop the record further.

¶8 Bunker briefly mentions various other issues, including his competency at the time he committed his violations and the effectiveness of his counsel during the revocation proceeding. These remaining issues are presented in conclusory fashion, without citation to the record or to legal authority. We normally decline to address inadequately briefed issues and decline to do so here. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

By the Court.—Order affirmed.

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)5
(2001-02).

