

**COURT OF APPEALS
DECISION
DATED AND FILED**

August 30, 2011

A. John Voelker
Acting 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. 2011AP81
STATE OF WISCONSIN**

Cir. Ct. No. 1991CM115187

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

CHRIS J. JACOBS, II,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
JEFFREY A. WAGNER, Judge. *Affirmed.*

¶1 BRENNAN, J.¹ Chris J. Jacobs, II, appeals *pro se* from a circuit court order denying his *pro se* motion to remove an operating-while-under-the-

¹ This appeal is decided by one judge, pursuant to WIS. STAT. § 752.31(2) (2009-10). All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

influence-of-an-intoxicant offense (“OWI”) from his record. For the reasons which follow, we affirm.

BACKGROUND

¶2 On October 14, 1991, Cudahy police officer Glenn Haase arrested Jacobs for OWI, first offense, in violation of WIS. STAT. § 346.63(1)(a) (1991-92) or a local ordinance in conformity therewith. Following the arrest, Officer Haase issued Jacobs a citation for OWI, read him the Informing the Accused form, and requested that Jacobs submit to a chemical test under WIS. STAT. § 343.305(3)(a) (1991-92). Officer Haase recorded Jacobs’s response as a refusal. Consequently, Officer Haase issued Jacobs a Notice of Intent to Revoke Operating Privilege, and provided Jacobs with written notice that if Jacobs “d[id] not request a hearing within 10 days of the date of th[e] notice ..., [his] operating privilege w[ould] be revoked for a period of not less than one year or more than three years. The period of revocation commences 30 days after this notice is issued.”

¶3 Under the law in effect in 1991, the refusal matter was handled in Milwaukee County Circuit Court. Because Jacobs’s OWI was a first offense, non-criminal violation, we presume that matter was handled in Cudahy Municipal Court. *See* WIS. STAT. § 345.30 (1991-92) (providing municipal courts with jurisdiction over traffic regulations enacted in accordance with WIS. STAT. § 349.06 (1991-92)). Only the recusal matter is currently before this court.

¶4 The recusal matter was set for a hearing on March 2, 1992, but Jacobs failed to appear. In Jacobs’s absence, the circuit court conducted a hearing,

found Jacobs's refusal to submit to the chemical test to be improper, and entered judgment accordingly.²

¶5 In December 2010, almost nineteen years later, Jacobs filed a motion in the refusal case in Milwaukee County Circuit Court, entitled "Motion to Remove DWI off my Driving Record." The postjudgment court denied the motion, concluding that it had no authority to grant it.³ Jacobs appeals.

DISCUSSION

¶6 On appeal, as best we can tell, Jacobs argues that he is entitled to have the OWI conviction removed from his driving record because he did not receive a trial on the refusal matter and he did not waive his right to a trial. The substantive portion of Jacobs's brief is one-page long, handwritten, and does not cite to any legal authority for the proposition that he was entitled to a trial on the refusal matter. *See* WIS. STAT. § 809.19(1)(e). We do not consider arguments unsupported by references to legal authority. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992).

¶7 Moreover, even if we overlook Jacobs's lack of argument and authority, we still conclude that his appeal is without any merit. Jacobs seeks relief too late and in the wrong court. The refusal matter is the only matter that was ever before the circuit court and any challenge to the refusal judgment should have been made within ninety days of the circuit court's entry of judgment—nineteen years ago. *See* WIS. STAT. § 808.04(1) (1991-92). The municipal OWI

² The Honorable Louise M. Tesmer entered judgment.

³ The Honorable Jeffrey A. Wagner denied the postjudgment motion.

was never before the circuit court, and thus the postjudgment court correctly found that it lacked any authority to reverse the municipal OWI conviction.

¶8 Furthermore, it appears as though Jacobs failed to raise this issue in his motion before the postjudgment court. Broadly reading his postjudgment motion, he appears to argue that he was wrongly convicted of OWI, first offense, based upon a conspiracy among law enforcement officials. Jacobs did not raise his current complaint that he was wrongly denied a trial in the refusal matter until appeal. We generally do not consider matters raised for the first time on appeal. *State v. Huebner*, 2000 WI 59, ¶10, 235 Wis. 2d 486, 611 N.W.2d 727. We decline to stray from the general principle in this case.

By the Court.—Order affirmed.

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

