

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

December 10, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-2253

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

DWIGHT MANUEL,

Plaintiff-Appellant,

v.

**DIRECT TRANSIT, INC., and
JAMES NELSON,**

Defendants-Respondents,

THE INTEGRAL INSURANCE COMPANY,

Defendant.

APPEAL from a judgment of the circuit court for Milwaukee County: LOUISE M. TESMER, Judge. *Affirmed.*

Before Wedemeyer, P.J., Fine and Schudson, JJ.

PER CURIAM. Dwight Manuel, *pro se*, appeals from a judgment of the circuit court awarding him \$213 in damages. Manuel claims that the trial

court erred in not granting his post-verdict motion to change the damages award to \$285,000. We affirm.

On February 9, 1995, a jury awarded Manuel \$213 in past medical expenses and past lost wages as a result of an automobile accident with James A. Nelson, an employee of Direct Transit, Inc. Manuel's attorney did not file motions after the verdict. On May 31, 1995, Manuel, proceeding *pro se*, wrote a letter to the trial court requesting that it enter judgment in the amount of \$285,000.¹ Defense counsel objected to Manuel's request as untimely under § 805.16, STATS. Judgment in the amount of \$213 was docketed on August 2, 1995.

Section 805.16(1), STATS., provides that “[m]otions after verdict shall be filed and served within 20 days after the verdict” unless the trial court extends the time. *Ahrens-Cadillac Oldsmobile, Inc. v. Belongia*, 151 Wis.2d 763, 766-767, 445 N.W.2d 744, 745 (Ct. App. 1989). The jury returned the verdict on February 9, 1995. The trial court did not extend the time for filing motions. Manuel requested the addition to the judgment on May 31, 1995, more than three months later. Because Manuel filed his post-verdict motion outside the 20-day period set out in § 805.16(1), he has lost the opportunity to assert his claim on appeal. See *Paradinovich v. Milwaukee County*, 189 Wis.2d 184, 190, 525 N.W.2d 325, 327-328 (Ct. App. 1994) (party who fails to comply with § 805.16(1) has lost the opportunity to assert appellate issues as a matter of right).

Further, we decline to exercise our discretionary power of reversal, see § 752.35, STATS., because there has been no miscarriage of justice and the real controversy has been fully tried. See *id.*

By the Court.—Judgment affirmed.

¹ Because Manuel proceeded *pro se* in filing his letter with the trial court, we will construe his letter as a motion brought under § 805.16, STATS. See *Staples v. DHSS*, 130 Wis.2d 285, 288, 387 N.W.2d 118, 120 (Ct. App. 1986) (policy is to liberally construe a *pro se* litigant's documents and pleadings).

This opinion will not be published. See RULE 809.23(1)(b)5, STATS.