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DISTRICT II

November 20, 2013

To:

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You are hereby notified that the Court has entered the following opinion and order:

2013AP556

State of Wisconsin v. Leon L. Laudie (L.C. # 2008CF307)

Before Neubauer, P.J., Reilly and Gundrum, JJ.

Leon Laudie appeals pro se from a circuit court order denying his WIS. STAT. § 974.06 (2011-12)¹ motion. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. WIS. STAT. RULE 809.21. Because the record does not contain a transcript of the February 22, 2013 hearing at which the circuit court stated its reasons for denying Laudie's motion, we cannot review the circuit court's decision. Therefore, we affirm the circuit court order.

¹ All subsequent references to the Wisconsin Statutes are to the 2011-12 version.

In 2009, Laudie was convicted of first-degree sexual assault of a child and possession of child pornography. We affirmed his conviction. *State v. Laudie*, No. 2010AP2307-CR, unpublished slip op. (WI App Dec. 14, 2011).

In 2012, Laudie filed the WIS. STAT. § 974.06 motion that is the subject of this appeal. The circuit court heard Laudie’s § 974.06 motion on February 22, 2013. The circuit court’s March 6, 2013 order denied the motion “for the reasons set forth on the record at the motion hearing.” In his WIS. STAT. RULE 809.11(4) statement on transcript for this appeal, Laudie stated that all transcripts necessary for the appeal had been prepared. Laudie did not order preparation of the February 22 transcript.

On appeal, Laudie asks us to reverse the circuit court’s decision. Without a transcript, we cannot know the basis for the circuit court’s denial of his motion, and we will not speculate about that basis. Laudie bore the responsibility to insure that the record on appeal is sufficient for our review. *Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26-27, 496 N.W.2d 226 (Ct. App. 1993). “We cannot review what is not before us.” *State v. Dietzen*, 164 Wis. 2d 205, 212, 474 N.W.2d 753 (Ct. App. 1991).

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals