



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I

January 30, 2014

To:

Hon. Paul R. Van Grunsven
Circuit Court Judge
Milwaukee County Courthouse
901 N. 9th St.
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
Room G-8
901 N. 9th Street
Milwaukee, WI 53233

Robert Bresette
Assistant Attorney General
P. O. Box 7857
Madison, WI 53707-7857

Karen A. Loebel
Asst. District Attorney
821 W. State St.
Milwaukee, WI 53233

David H. Schwarz
Division of Hearings & Appeals
P.O. Box 7875
Madison, WI 53703-7875

John B. Van Hollen
Wisconsin Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Kenneth Jaworski 19727
Waupun Corr. Inst.
P.O. Box 351
Waupun, WI 53963-0351

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

2013AP506 State of Wisconsin ex rel. Kenneth Jaworski v. David Schwarz, Administrator
of Division of Hearing and Appeals (L.C. #2012CV5024)

Before Curley, P.J., Kessler and Brennan, JJ.

Kenneth Jaworski, *pro se*, appeals from an order of the circuit court, affirming the decision of the Division of Hearings and Appeals issued by Administrator David H. Schwarz. That decision upheld an administrative law judge's revocation of Jaworski's parole, but modified downward the length of the revocation. Based upon our review of the briefs and record, we conclude at conference

that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2011-12).¹ The appeal is summarily dismissed.

In 1984, in separate cases, Jaworski was given consecutive sentences of three and one-half years and forty-four years. In May 2009, he was released to parole supervision but was taken directly to Sand Ridge Secure Treatment Center pursuant to a WIS. STAT. ch. 980 civil commitment. In September 2011, the Department of Corrections sought to revoke Jaworski's parole for his disruptive behavior at Sand Ridge in August 2011. Following a hearing, the administrative law judge ordered parole revoked and forfeiture of all remaining good time—a total of twenty-one years, eight months, and twenty-nine days. Jaworski appealed to the Division, which affirmed the revocation but reduced the good-time forfeiture to six years, six months, and eight days. Jaworski sought certiorari review from the circuit court, which affirmed the Division. Jaworski now appeals.

It is not evident, however, what Jaworski's issues on appeal are; his brief fails to comply with even the most basic requirements. WISCONSIN STAT. RULE 809.19(1)(d) requires the brief to contain a statement of the case, "which must include: a description of the nature of the case; the procedural status of the case leading up to the appeal; the disposition in the trial court; and a statement of facts relevant to the issues presented for review, with appropriate references to the record." Jaworski's brief fails to describe in any meaningful way the nature of this case or the procedural facts preceding the appeal. It further lacks relevant or useful citations to the record.²

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

² For example, "Page 4, of Judge Van Grunsven" is not a legitimate record citation, particularly when we also consider that Jaworski has failed to include an appendix, as required by WIS. STAT. RULE 809.19(2)(a).

WISCONSIN STAT. RULE 809.19(1)(e) requires the brief to have an argument section. Arguments must “contain the contention of the appellant, the reasons therefor, with citations to the authorities, statutes and parts of the record relied on[.]” *Id.* While Jaworski sets out three “main arguments,” those “arguments” are merely conclusory statements: there is no development of any legal theory in support of the arguments, nor are there any citations to legal authority in support of even the conclusory contentions.

This court cannot serve as both advocate and judge. *See State v. Pettit*, 171 Wis. 2d 627, 647, 492 N.W.2d 633 (Ct. App. 1992). Accordingly, we do not search the record for facts to support a party’s arguments. *See Grothe v. Valley Coatings, Inc.*, 2000 WI App 240, ¶6, 239 Wis. 2d 406, 620 N.W.2d 463. We do not consider arguments unsupported by legal authority. *See State v. Shaffer*, 96 Wis. 2d 531, 545-46, 292 N.W.2d 370 (Ct. App. 1980). Nor do we abandon our neutrality to develop a party’s arguments for him. *See State v. Gulrud*, 140 Wis. 2d 721, 730, 412 N.W.2d 139 (Ct. App. 1987). We therefore must decline to address the substance of Jaworski’s brief and, consequently, we dismiss the appeal. *See* WIS. STAT. RULE 809.83(2); *Mogged v. Mogged*, 2000 WI App 39, ¶17, 233 Wis. 2d 90, 607 N.W.2d 662; *Grothe*, 239 Wis. 2d 406, ¶6.

IT IS ORDERED that the appeal is summarily dismissed.

Diane M. Fremgen
Clerk of Court of Appeals