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DISTRICT IV

July 8, 2014

To:

Hon. Juan B. Colas
Circuit Court Judge
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You are hereby notified that the Court has entered the following opinion and order:

2013AP1304 State of Wisconsin ex rel. Barry L. Ball v. Judy P. Smith and Gary H. Hamblin (L.C. #2012CV2937)

Before Blanchard, P.J., Lundsten and Kloppenburg, JJ.

Barry Ball, pro se appellant, appeals an order of the circuit court dismissing his petition for writ of certiorari. 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 We summarily affirm.

Ball petitioned for certiorari review of decisions in several prison disciplinary matters. The circuit court dismissed all of Ball's claims except for one claim relating to Ball's alleged battery of a cell mate. On appeal, Ball's brief asserts numerous complaints about the circuit

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

court proceedings in this matter. The brief fails, however, to develop coherent arguments that apply relevant legal authority to the facts of record, and instead relies largely on conclusory assertions. “A party must do more than simply toss a bunch of concepts into the air with the hope that either the trial court or the opposing party will arrange them into viable and fact-supported legal theories.” *State v. Jackson*, 229 Wis. 2d 328, 337, 600 N.W.2d 39 (Ct. App. 1999). Consequently, this court need not consider arguments that either are unsupported by adequate factual and legal citations or are otherwise undeveloped. See *Dieck v. Unified Sch. Dist. Of Antigo*, 157 Wis. 2d 134, 148 n.9, 458 N.W.2d 565 (Ct. App. 1990) (unsupported factual assertions), *aff’d*, 165 Wis. 2d 458, 477 N.W.2d 613 (1991); *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (undeveloped legal arguments). While we make some allowances for the failings of parties who, as here, are not represented by counsel, “[w]e cannot serve as both advocate and judge,” *Pettit*, 171 Wis. 2d at 647, and will not scour the record to develop viable, fact-supported legal theories on the appellant’s behalf, see *Jackson*, 229 Wis. 2d at 337. Here, Ball has failed to develop his arguments legally or to support them factually. Therefore, we affirm the circuit court on that basis.

IT IS ORDERED that the order is summarily affirmed under WIS. STAT. RULE 809.21(1).

Diane M. Fremgen
Clerk of Court of Appeals