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DISTRICT IV

August 11, 2017

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

2016AP1834

State ex rel. Johnson W. Greybuffalo v. Gary Boughton
(L.C. #2016CV290)

Before Sherman, Blanchard and Kloppenburg, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Johnson Greybuffalo, pro se, appeals a circuit court order that denied Greybuffalo's petition for a writ of habeas corpus. Greybuffalo contends that his convictions are void because, according to Greybuffalo, a criminal complaint is insufficient to establish subject matter jurisdiction in the circuit court. 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 (2015-16).¹ We summarily affirm.

In August 2016, Greybuffalo petitioned the circuit court for a writ of habeas corpus on grounds that his 1995 criminal conviction was void due to lack of subject matter jurisdiction. Greybuffalo argued that the criminal complaint against him was insufficient to establish subject matter jurisdiction in the circuit court because a criminal complaint is not the official charging document in Wisconsin. The circuit court denied the petition.

Greybuffalo continues his argument on appeal that the circuit court lacked subject matter jurisdiction over Greybuffalo's criminal proceedings on the premise that a criminal complaint is insufficient to establish jurisdiction in the circuit court. Greybuffalo concedes that the filing of a criminal complaint commences a criminal action in Wisconsin. *See* WIS. STAT. § 967.05(1)(a) ("A prosecution may be commenced by the filing of ... [a] complaint"). Greybuffalo also acknowledges that Wisconsin treats the criminal complaint as establishing subject matter jurisdiction in the circuit court in felony cases. He contends, however, that use of a criminal complaint to establish subject matter jurisdiction in the circuit court is improper because the criminal complaint is not the official charging document in a felony case. *See* § 967.05(3) ("The trial of a felony action shall be upon an information."). We disagree.

Greybuffalo relies on *Pharm v. Hatcher*, 984 F.2d 783, 786 (7th Cir. 1993), for the proposition that the criminal complaint is not the official charging document in Wisconsin felony cases. From this proposition, Greybuffalo contends that Wisconsin courts are exceeding their

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

constitutional authority by relying on criminal complaints to establish subject matter jurisdiction in felony cases. Greybuffalo is incorrect.

The issue in *Pharm* was whether Pharm was denied his Sixth Amendment right to a speedy trial. *Id.* at 785-86. The court explained that the right arises after arrest or official accusation. *Id.* at 785. The court then explained that, in Wisconsin, the information is the official charging document in felony cases, and thus held that there was no speedy trial right prior to arrest or filing of the information. *Id.* at 785-86.

Nothing in *Pharm*, however, indicates that Wisconsin circuit courts lack subject matter over a criminal action prior to the filing of the information. Indeed, *Pharm* recognizes that the criminal complaint commences the action, and that Wisconsin criminal procedure provides for circuit courts to conduct proceedings in a criminal action prior to the filing of the information. *Id.* Because Greybuffalo has not cited any authority that supports his claim that circuit courts lack subject matter jurisdiction in a felony action prior to the filing of the information, we reject his argument.

To the extent Greybuffalo raises any other arguments on appeal not specifically addressed in this opinion, we deem those arguments insufficiently developed to warrant a response. See *State v. Pettit*, 171 Wis. 2d 627, 646–47, 492 N.W.2d 633 (Ct. App. 1992).

Therefore,

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

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Clerk of Court of Appeals