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**DISTRICT I**

October 9, 2017

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

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2016AP1124

State of Wisconsin v. Andre N. Burkett  
(L.C. # 1998CF2857)

Before Kessler, Brash and Dugan, 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).**

Andre N. Burkett, *pro se*, appeals from two circuit court orders denying his motions for discovery. We have concluded that this matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1) (2015-16).<sup>1</sup> We summarily affirm the circuit court's orders.

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

In 2000, Burkett was convicted, after a jury trial, of attempted theft by false representation. He was sentenced to forty-two months in prison. His appellate counsel filed a no-merit report. We affirmed Burkett's conviction. *See State v. Burkett*, No. 2001AP1563-CRNM, unpublished slip op. and order (WI App Aug. 15, 2002).

In the years that followed, Burkett filed numerous *pro se* motions in the circuit court and appeals with this court and the Wisconsin Supreme Court. *See, e.g., State v. Burkett*, Nos. 2008AP663, 2008AP664, 2008AP665, unpublished slip op. (WI App Dec. 22, 2009) (concerning Burkett's conviction in this case and two other cases). His conviction has not been overturned.

Burkett's current appeal concerns two motions Burkett filed in the circuit court in May 2016 and June 2016.<sup>2</sup> The first motion was a demand for discovery from Milwaukee County Circuit Court Case No. 1998CF2858, the criminal case for Burkett's co-defendant, Latonia Campbell. Burkett's motion indicated that he wanted the materials for an appeal in his criminal case, Milwaukee County Circuit Court Case No. 1998CF2857. The circuit court dismissed the motion after concluding that there was no pending appeal in any of Burkett's criminal cases that would justify granting the motion.

Burkett filed a second motion seeking discovery and police reports from Campbell's case. His motion indicated that he needed the documents for an appeal and so that Burkett could

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<sup>2</sup> <sup>2</sup> We appreciate the State's careful analysis of this court's jurisdiction in this case. Burkett did not file a reply brief and therefore did not dispute the State's analysis. The State concedes, and we agree, that we have jurisdiction over two orders: (1) the order signed on May 24, 2016, which was entered on May 25, 2016; and (2) the order signed and entered on July 14, 2016.

“show that the State of Wisconsin is a (PTAC) to this crime” in Burkett’s case. The circuit court denied the motion, stating: “This is the defendant’s fifth appeal of a case that is nearly twenty years old.... The defendant provides no cogent reason for appending Campbell’s case to his current appeal.” The circuit court also stated that Burkett’s reason for seeking police reports—to show that the State was a party to the crime—“has no reasonable basis in fact.”

This summary of the circuit court’s orders comes from this court’s review of the court record. Burkett’s appellate brief is incomprehensible and does not appear to discuss the orders from which he appeals. It fails to comply with WIS. STAT. RULE 809.19 in many ways. For instance, the brief does not contain “[a] statement of the issues presented for review and how the trial court decided them” or “[a] statement of the case ... with appropriate references to the record.” *See* RULE 809.19(1)(b) and (1)(d). Burkett has not offered any cogent argument concerning the circuit court’s denial of his motions seeking discovery and police reports. We discern no basis to reverse the orders. Therefore, we summarily affirm the circuit court’s orders.

IT IS ORDERED that the orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*