

In March 2018, Marion filed a two-page handwritten petition for a writ of habeas corpus. Marion argued that he was being held past his maximum discharge date in Milwaukee County case No. 2001CF818.² He sought “immediate release and discharge under [Wis. STAT. §] 782.01.”

The circuit court denied Marion’s petition. In its written decision, the circuit court explained that the petition was facially insufficient because it was not verified as required by Wis. STAT. § 782.04. This appeal follows.

“A circuit court’s order denying a petition for writ of habeas corpus presents a mixed question of fact and law.” *State v. Pozo*, 2002 WI App 279, ¶6, 258 Wis. 2d 796, 654 N.W.2d 12 (italics omitted). “Factual determinations will not be reversed unless clearly erroneous.” *Id.* In contrast, “[w]hether [a] writ of habeas corpus is available to the party seeking relief is a question of the law that we review *de novo*.” *See id.* (one set of italics omitted).

It is undisputed that Marion did not verify his petition by having it notarized. WISCONSIN STAT. ch. 782 governs petitions for habeas corpus. WISCONSIN STAT. § 782.04 explicitly states that habeas corpus petitions “must be verified,” *see id.*, which “entails signing the document in the presence of a notary public,” *State ex rel. Santana v. Endicott*, 2006 WI App 13, ¶11, 288 Wis. 2d 707, 709 N.W.2d 515. “[P]etitions not properly verified do not meet the requirements for a valid application.” *Id.*

² Later in his petition, Marion stated that he was also “addressing” his misdemeanor cases and asked the circuit court to grant him “time served” as to Milwaukee County case Nos. 2014CM2943 and 2015CM2635.

Marion argues that he “did not have to have his letter notarized or verified if the circuit court on its own validity construed [his March 2018 filing] as a petition for [a] writ of habeas corpus.” (Italics omitted.) Marion submits that his uncaptioned letter filing only needed to be signed.

We disagree. As noted above, in his filing, Marion specifically sought relief under WIS. STAT. § 782.01, which is the statute that defines who is eligible to prosecute a writ of habeas corpus, and claimed that he is being improperly imprisoned. *See State ex rel. Coleman v. McCaughtry*, 2006 WI 49, ¶18, 290 Wis. 2d 352, 714 N.W.2d 900 (“A petition for writ of habeas corpus commences a civil proceeding wherein the petitioner claims an illegal denial of his or her liberty.”). This court is at a loss as to another way to construe this filing other than as a writ of habeas corpus, and we are not persuaded that there is a legal basis on which to excuse Marion from the verification requirement. While courts are obliged to liberally construe pleadings of *pro se* prisoners to analyze the relief sought, as opposed to limiting the analysis to the pleading’s label, *see bin-Rilla v. Israel*, 113 Wis. 2d 514, 520-21, 335 N.W.2d 384 (1983), we cannot disregard statutory requirements.

Even if we could disregard the verification requirement, Marion’s arguments on appeal and the appellate record itself are woefully insufficient for him to obtain relief. For instance, an attachment to Marion’s petition indicates that he was released on extended supervision in case No. 2001CF818 on March 5, 2013, but it is unclear when or why he was reincarcerated.³ We do

³ Marion makes numerous assertions throughout his briefs that are not supported by the available record in this appeal. *See State v. Aderhold*, 91 Wis. 2d 306, 314, 284 N.W.2d 108 (Ct. App. 1979) (“The rule is well established that reviewing courts are limited to the record, and are bound by the record.”).

not consider inadequately briefed issues, *see State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992), nor will we develop an argument for Marion, *see Industrial Risk Insurers v. American Eng'g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82.

Therefore,

IT IS ORDERED that the order is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

Sheila T. Reiff
Clerk of Court of Appeals