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**DISTRICT IV**

January 24, 2020

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

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2019AP422-CR

State of Wisconsin v. Jared G. Molner (L.C. # 2009CF13)

Before Blanchard, Graham and Nashold, 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).**

Jared Molner, by counsel, appeals his judgment of conviction and the circuit court's order denying his postconviction motion for a new trial.<sup>1</sup> 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 (2017-18).<sup>2</sup> We summarily affirm.

Molner was convicted, after a jury trial, of robbery and receiving stolen property. Molner filed a postconviction motion for a new trial. He attached to his motion a letter from a doctor who had treated him prior to trial. The doctor opined that, at the time of trial, Molner had been suffering from a mental disease or defect that rendered him mentally incompetent. The circuit court denied Molner's postconviction motion, and Molner appealed. This court reversed and remanded the case to the circuit court, concluding that there was reason to doubt Molner's competency. Molner again filed a postconviction motion for a new trial, and the circuit court held an evidentiary hearing on remand. The circuit court then entered a written order summarily denying Molner's motion for a new trial. Molner now appeals.

Molner's brief addresses the single issue of whether the circuit court erroneously exercised its discretion in denying Molner's postconviction motion. However, the brief fails to develop coherent arguments that apply relevant legal authority to the facts of record, and instead relies largely upon 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,

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<sup>1</sup> The Honorable Michael J. Rosborough presided over trial and entered the judgment of conviction. The Honorable Darcy Jo Rood entered the order denying Molner's postconviction motion for a new trial.

<sup>2</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

600 N.W.2d 39 (Ct. App. 1999). Consequently, this court need not consider arguments that are unsupported by adequate factual and legal citations or that are otherwise undeveloped. *See Grothe v. Valley Coatings, Inc.*, 2000 WI App 240, ¶6, 239 Wis. 2d 406, 620 N.W.2d 463 (lack of record citations), *abrogated on other grounds by Wiley v. M.M.N. Laufer Family Ltd. P'ship*, 2011 WI App 158, 338 Wis. 2d 178, 807 N.W.2d 236; *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (undeveloped legal arguments).

Here, Molner has failed to develop his arguments legally or to support them factually in his brief-in-chief. Molner then raises a new argument in the reply brief, asserting that the circuit court did not follow the directions given by this court on remand. “We will not, as a general rule, consider arguments raised for the first time in a reply brief.” *Schaeffer v. State Pers. Comm’n*, 150 Wis. 2d 132, 144, 441 N.W.2d 292 (Ct. App. 1989). In sum, we reject Molner’s arguments as undeveloped, and we affirm the circuit court on that basis.

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

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*