



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV

April 1, 2021

To:

Hon. Todd L. Ziegler
Circuit Court Judge
Monroe County Courthouse
112 S. Court St., Rm. 301
Sparta, WI 54656

Shirley Chapiewsky
Clerk of Circuit Court
Monroe County Courthouse
112 S. Court St., Rm. 2200
Sparta, WI 54656

Sonya Bice
Wisconsin Department of Justice
17 W Main St.
Madison, WI 53703

Sarah Marie Skiles
Assistant District Attorney
112 S. Court St., #2400
Sparta, WI 54656-1772

Scott Allen Dotson 171634
New Lisbon Correctional Inst.
P.O. Box 4000
New Lisbon, WI 53950-4000

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

2019AP2074

State of Wisconsin v. Scott Allen Dotson (L.C. # 2017CF429)

Before Fitzpatrick, P.J., 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).

Scott Allen Dotson, pro se, appeals a circuit court order that denied Dotson's postconviction motion without a hearing. Dotson argues that the circuit court lacked subject matter jurisdiction to sentence him. 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 (2019-20).¹ We summarily affirm.

In April 2018, Dotson pled no-contest to operating while intoxicated as a seventh offense and felony bail jumping. In August 2019, Dotson filed a pro se motion for postconviction relief, apparently seeking to withdraw his pleas. The circuit court denied the motion without a hearing, explaining that Dotson had failed to make sufficient factual allegations that would entitle him to relief. *See State v. Allen*, 2004 WI 106, ¶¶23-24, 274 Wis.2d 568, 682 N.W.2d 433 (postconviction motion hearing required only if defendant alleges within the four corners of the motion the who, what, where, when, why, and how of the defendant’s claim that would entitle the defendant to relief).

Dotson’s brief contains numerous complaints about the circuit 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 upon conclusory assertions. “A party must do more than simply toss a bunch of concepts into the air with the hope that either the [circuit] 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 are unsupported by adequate factual and legal citations or 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,

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

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). 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 an appellant’s behalf, *see Jackson*, 229 Wis. 2d at 337. Here, Dotson has failed to develop his arguments legally or to support them factually. Therefore, we affirm the circuit court on that basis.

Although we affirm the circuit court for the reason stated above, we choose to briefly explain why Dotson’s main argument, as best we understand it, lacks merit. Dotson argues that the circuit court lacked subject matter jurisdiction to impose sentence in this case because the criminal statutes for Dotson’s crimes of conviction were enacted after adoption of the Wisconsin Constitution. Dotson contends that this presents an “‘ex post facto’ Constitutional jurisdictional issue.” We reject this argument. Circuit courts in Wisconsin have “general original subject matter jurisdiction over ‘all matters civil and criminal,’” and therefore “a circuit court is never without subject matter jurisdiction.” *Village of Trempealeau v. Mikrut*, 2004 WI 79, ¶1, 273 Wis. 2d 76, 681 N.W.2d 190 (quoting WIS. CONST. art. VII, §8). We discern no basis to disregard this principle when the criminal statutes were enacted after the Wisconsin Constitution was adopted. Additionally, the ex post facto clause is violated by a law “‘which punishes as a crime an act previously committed, which was innocent when done; which makes more burdensome the punishment for a crime, after its commission, or which deprives one charged with crime of any defense available according to law at the time when the act was committed.’” *State v. Thiel*, 188 Wis. 2d 695, 703, 524 N.W.2d 641 (1994) (quoted source omitted). Nothing in Dotson’s brief establishes an ex post facto violation.

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 will not be published.

Sheila T. Reiff
Clerk of Court of Appeals