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DISTRICT II

May 11, 2022

To:

Hon. Mark T. Slate
Circuit Court Judge
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Amy Thoma
Clerk of Circuit Court
Green Lake County Courthouse
Electronic Notice

Jonathon D. Petroski, #383660
Oshkosh Correctional Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

2021AP1209

State of Wisconsin v. Jonathon D. Petroski (L.C. #2002CF166)

Before Gundrum, P.J., Neubauer and Kornblum, 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).

Jonathon Petroski appeals from an order of the circuit court denying his postconviction motion. He contends his burglary conviction, pursuant to WIS. STAT. § 943.10(1)(a) (2001-02),¹ is “void” because that statute “was not properly enacted per the Wisconsin Constitution Article IV Section 17(1)” because it does not contain an enacting clause. 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). We disagree with Petroski and affirm.

¹ All references to the Wisconsin Statutes are to the 2001-02 version unless otherwise noted.

Petroski points out that article IV, section 17(1) of the Wisconsin Constitution, “**Enactment of laws,**” states: “The style of all laws of the state shall be ‘The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.’” He claims the statute he was convicted under, WIS. STAT. § 943.10(1)(a), is unconstitutional “because it is a ‘Law’ of the State of Wisconsin, and as a Law of the State it must be properly enacted per the Wisconsin Constitution Art. IV Sec. 17(1), but it was/is not.” He specifically asserts that § 943.10(1)(a) is “required to be prefaced by the Enacting Clause.”

We have already resolved this issue in a manner that is not in Petroski’s favor. In *State v. Weidman*, 2007 WI App 258, 306 Wis. 2d 723, 743 N.W.2d 854, we addressed the very language of article IV, section 17(1) of the Wisconsin Constitution Petroski now relies upon. We stated:

Weidman’s argument fails to distinguish between laws and statutes. The Laws of Wisconsin are governed by WIS. STAT. § 35.15, whereas the Wisconsin Statutes are governed by WIS. STAT. § 35.18. Further, as the Preface to the Wisconsin Statutes and Annotations sets forth at page iii, “[a]ccording to Legislative Joint Rule 53(1), when an act, or part of an act, creates a statute section number, that action indicates a legislative intent to make the section a part of the Wisconsin Statutes.” Hence, because the legislature can intend that only a part of an act creates a statute, *we are unconvinced that each statute must contain all the constituent parts of an act, namely, the enabling clause.*

We conclude, therefore, that *Weidman has failed to establish that the Wisconsin Statutes must include the enacting clause for each particular statute.*

Weidman, 306 Wis. 2d 723, ¶¶ 5-6 (alteration in original; emphasis added).

Weidman had been charged with violating WIS. STAT. § 961.41(1m)(cm)4. (2005-06). *Weidman*, 306 Wis. 2d 723, ¶4. Petroski was charged with and convicted of violating WIS. STAT. § 943.10(1)(a). He has provided us no reason to believe that § 943.10(1)(a) requires an

enacting clause in order to be valid while § 961.41(1m)(cm)4. does not, and considering our precedent, we see no reason why that would be.

IT IS ORDERED that the order of the circuit court 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