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DISTRICT III

September 10, 2024

To:

Hon. Emily I. Lonergan
Circuit Court Judge
Electronic Notice

Charles M. Stertz
Electronic Notice

Barb Bocik
Clerk of Circuit Court
Outagamie County Courthouse
Electronic Notice

Anthony Cordova 51012
Waupun Correctional Inst.
P.O. Box 351
Waupun, WI 53963-0351

Daniel J. O'Brien
Electronic Notice

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

2021AP1103

State of Wisconsin v. Anthony Cordova (L. C. No. 1973CF5590)

Before Stark, P.J., Hruz and Gill, 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).

Anthony Cordova, pro se, appeals an order denying his WIS. STAT. § 974.06 (2021-22)¹ motion for postconviction relief. Based on our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition, and we summarily affirm the order. *See* WIS. STAT. RULE 809.21.

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

In June 1973, the State charged Cordova with first-degree murder, arising from the in-home shooting death of Dr. Geronimo Santos, the father of Cordova's then-girlfriend. At trial, the State presented evidence that: (1) a gun of the same caliber as the murder weapon had been seen in Cordova's residence; (2) a piece of a gun and ammunition were found in Cordova's residence; (3) a witness saw Cordova with a gun on the night of the murder; and (4) Cordova told the same witness that he "got the son-of-a-bitch." Cordova's defense was that he had been dropped off on College Avenue by Patricia Santos, the decedent's wife, and he would not have had time to retrieve the gun from his residence and make it to the Santos' home before Santos' wife and daughter returned. The jury found Cordova guilty, and he was sentenced to life in prison.

In 2021, Cordova filed the underlying WIS. STAT. § 974.06 motion seeking a new trial. The circuit court distilled the motion down to three claims: (1) that the State withheld exculpatory evidence in the form of police reports² indicating that Patricia was investigated as a possible suspect in his murder; (2) that those same reports are newly discovered evidence because they were not disclosed to Cordova until after the trial; and (3) that Cordova's trial attorney was ineffective by not emphasizing the lack of evidence linking Cordova to the murder. The court denied the motion without a hearing, concluding that Cordova failed to demonstrate that the newly discovered police reports were material evidence that would reasonably lead to a different result or that his trial counsel was ineffective. This appeal follows.

² The police reports were discovered during a review of Cordova's case by the Innocence Project.

As noted by the State, Cordova's brief is in substantial noncompliance with the rules of appellate procedure. While a pro se brief is given considerable latitude, certain aspects of the brief must comply with the rules of appellate procedure. See WIS. STAT. RULE 809.19(1); see also *Townsend v. Massey*, 2011 WI App 160, ¶27 n.5, 338 Wis. 2d 114, 808 N.W.2d 155. Cordova's brief does not contain a description of the nature of the case, "the procedural status of the case leading up to the appeal," or "the disposition in the trial court," as required by RULE 809.19(1)(d). Further, the brief does not contain a coherent "statement of facts relevant to the issues presented for review, with appropriate references to the record," as required by RULE 809.19(1)(d).

Cordova identifies five issues for appeal: (1) insufficiency of the evidence to support the criminal complaint; (2) the State's failure to meet "statutory mandate provisions" and constitutional standards; (3) ineffective assistance of trial counsel; (4) an erroneous exercise of the circuit court's discretion related to the admission of testimony regarding a polygraph; and (5) the State's intentional "suppression" of police reports. Cordova's brief, however, fails to include an "argument, arranged in the order of the statement of issues presented," as required by WIS. STAT. RULE 809.19(1)(e). Rather, Cordova's brief utilizes a stream-of-consciousness narrative in an attempt to essentially relitigate the entire matter, and, ultimately, his purported legal arguments are undeveloped and fall below even the lenient standards we apply to pro se appellants.

To the extent Cordova presents legal assertions and conclusions, he fails to provide an analysis supported by record citations leading to a rational consideration of his purported issues under relevant law. Under WIS. STAT. RULE 809.19(1)(e), proper appellate argument must contain the contention of the party and the reasons therefore, with citation to the authorities,

statutes and parts of the record relied upon. Inadequate argument will not be considered. *See State v. Shaffer*, 96 Wis. 2d 531, 546 & n.3, 292 N.W.2d 370 (Ct. App. 1980). Nor will we abandon our neutrality by developing Cordova's unsupported arguments for him. *See Barakat v. DHSS*, 191 Wis. 2d 769, 786, 530 N.W.2d 392 (Ct. App. 1995). Cordova's inadequate briefing fails to persuade this court of any circuit court error.

Therefore, upon the foregoing,

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

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

Samuel A. Christensen
Clerk of Court of Appeals