COURT OF APPEALS
DECISION
DATED AND FILED

August 12, 2008

David R. Schanker
Clerk of Court of Appeals

Appeal No. 2007AP1795-CR **Cir. Ct. No. 2005CF5440**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT I

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

DANNY M. KOHOUT,

DEFENDANT-APPELLANT.

APPEAL from a judgment and an order of the circuit court for Milwaukee County: DENNIS P. MORONEY, Judge. *Affirmed.*

Before Curley, P.J., Wedemeyer[1] and Fine, JJ.

¶1 PER CURIAM. Danny Kohout appeals from the judgment of conviction entered against him, and the order denying his motion for

[1] This opinion was circulated and approved before Judge Wedemeyer's death.

postconviction relief. He argues that the circuit court lacked subject matter jurisdiction over him. We reject his argument, and affirm the judgment and order.[2]

¶2 Kohout was convicted of operating a vehicle while intoxicated, fifth offense. He filed a postconviction motion alleging that the circuit court lacked subject matter jurisdiction. The court denied the motion, finding that the motion was "patently frivolous." We agree.

¶3 Although Kohout's brief is difficult to comprehend, he does not appear to be attacking the particular statute under which he was convicted, but rather is challenging any statute that does not contain an enacting clause. This court recently addressed the almost identical issue in ***State v. Weidman***, 2007 WI App 258, 306 Wis. 2d 723, 743 N.W.2d 854.[3] In ***Weidman***, we concluded that each separate statute does not need to contain an enacting clause. ***Id.***, ¶6. For the same reason, we reject Kohout's argument.

¶4 Kohout also raises a number of other arguments, including an incomprehensible argument that he is a "natural person," that the statutes are a "mental creation" of the Revisor of Statutes, and that the circuit court judge violated his oath of office by committing treason when he denied Kohout's motion to dismiss. Because these arguments are either incomprehensible or not supported

[2] After the matter had already been submitted to the court on the briefs, the State moved for summary affirmance on the basis of this court's decision in ***State v. Weidman***, 2007 WI App 258, 306 Wis. 2d 723, 743 N.W.2d 854. Because we affirm on the briefs submitted to the court, we deny the State's motion for summary affirmance as unnecessary.

[3] In its motion for summary affirmance, the State asserts that Kohout's brief is almost identical to the brief submitted in ***Weidman***.

with citation to relevant legal authority, we decline to address them. *See* ***State v. Waste Mgmt. of Wisconsin, Inc.***, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978) ("[A]n appellate court is not a performing bear, required to dance to each and every tune played on an appeal.…"). For the reasons stated, we affirm the judgment and order of the circuit court.

By the Court.—Judgment and order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5. (2005-06).