

**COURT OF APPEALS
DECISION
DATED AND FILED**

January 31, 2012

A. John Voelker
Acting Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2010AP2765

Cir. Ct. No. 2006FA7189

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

**IN RE THE MARRIAGE OF:
NICOLE SCHROEDER N/K/A NICOLE CHAFFEE,**

PETITIONER-RESPONDENT,

v.

RONALD SCHROEDER,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
ELSA C. LAMELAS, Judge. *Affirmed.*

Before Curley, P.J., Fine and Kessler, JJ.

¶1 PER CURIAM. Ronald Schroeder, *pro se*, appeals the circuit court's order, entered after a *Girouard* hearing, denying his request to waive

payment for transcripts.¹ See *State ex. rel Girouard v. Circuit Court for Jackson County*, 155 Wis. 2d 148, 159, 454 N.W.2d 792, 797 (1990) (indigent appellant entitled to transcript without payment if he or she “has an arguably meritorious claim”). This court affirms.

I. BACKGROUND

¶2 Ronald Schroeder and Nicole Schroeder n/k/a Nicole Chaffee were divorced on October 15, 2007.² At the time of the default divorce hearing (Schroeder did not appear), Chaffee disclosed that she had made \$3000 at a rummage sale she held. The court awarded Schroeder a \$1500 credit as marital property related to those proceeds.

¶3 Nearly one year later, Schroeder moved the circuit court to vacate the divorce judgment on a number of bases. As relevant for purposes of this appeal, Schroeder argued that the court should re-examine items sold and proceeds received from the rummage sale. Schroeder specifically sought to rescind Chaffee’s sale of a 2001 Harley-Davidson motorcycle to her father for \$500.

¶4 Pursuant to WIS. STAT. § 806.07, the circuit court reopened the divorce judgment relative to the sale of the motorcycle. Following a hearing, the circuit court ordered that Schroeder receive a credit against his child support arrearage in the amount of \$3409, which reflected his marital property interest in

¹ The Honorable Francis T. Wasielewski presided over the divorce proceedings in this matter. The Honorable Elsa C. Lamelas presided over the *Girouard* hearing. See *State ex. rel Girouard v. Circuit Court for Jackson County*, 155 Wis. 2d 148, 454 N.W.2d 792 (1990).

² Nicole’s name is spelled Nichole throughout the Record; however, to be consistent with the caption of this appeal, we spell it Nicole.

the motorcycle. During the hearing, the circuit court made clear that it had not reopened all property and debt divisions; rather, it was the division of the proceeds from the sale of the motorcycle that was at issue.³ Schroeder appealed (Appeal No. 2010AP1555) and sought a waiver of transcript fees.⁴

¶5 The circuit court held a *Girouard* hearing. After concluding that Schroeder did not have an arguably meritorious issue on appeal, it refused to waive the transcript fees. This ruling is the sole focus of the instant appeal.

II. DISCUSSION

¶6 As indicated above, an indigent defendant may be entitled to waiver of the cost of the transcripts if he or she has an arguably meritorious claim on appeal. See *Girouard*, 155 Wis. 2d at 159, 454 N.W.2d at 797. “[A] meritless assertion by a putative appellant will not furnish a foundation for a judicially ordered waiver of fees.” *Id.*, 155 Wis. 2d at 159, 454 N.W.2d at 796–797. Whether a claim has arguable merit is a question of law that this court reviews

³ During this hearing, the circuit court also stated on the Record the parties’ agreement regarding telephonic placement that was to occur between Schroeder and his children. This agreement was the subject of a separate circuit court order that is not at issue for purposes of this appeal.

⁴ Appeal No. 2010AP1555 has been stayed pending resolution of the instant appeal. It is not clear from the Record exactly which transcripts were at issue for purposes of the *Girouard* hearing. At one point in his appellate brief, Schroeder indicates that he seeks transcripts from hearings held on September 18, 2009 and October 23, 2009, to support his claim that Chaffee did not object to returning the motorcycle to him. Insofar as the October 23, 2009, hearing is concerned, the court Record entry reflects that it was “Off the Record”; as such, there is no transcript. We further note that the circuit court attached the February 22, 2010, transcript from the hearing on Schroeder’s motion to rescind the sale of the motorcycle to its written order setting forth its ruling. Thus, Schroeder presumably has a copy of it. While the caption of that transcript states that it is an excerpt, neither party identifies anything that was omitted.

de novo.⁵ *State ex rel. Hansen v. Circuit Court for Dane County*, 181 Wis. 2d 993, 998, 513 N.W.2d 139, 141 (Ct. App. 1994).

¶7 In his appellate brief, Schroeder writes: “In [A]ppel [No.] 2010AP1555, [Schroeder] is claiming, among others, that the circuit court erroneously divided the marital property unequally without citing reasoning or considering the statutory factors. More, that the circuit court erroneously decided the placement and child support matters.” Later in his brief, in one lengthy sentence, Schroeder lists seven issues he claims have merit: (1) the default divorce judgment violated WIS. STAT. § 767.235(2); (2) the circuit court awarded him \$60,481 in marital debt and Chaffee \$0 without considering the factors set forth in WIS. STAT. § 767.255(3);⁶ (3) the circuit court considered financial disclosure statements that were nearly a year old during the final divorce hearing; (4) the circuit court awarded Schroeder one-half of the grossly undervalued marital property (and excluded substantial property, including motor vehicles) without ensuring that the property was sold at fair market value; (5) the circuit court reopened the divorce judgment as to property division but later erroneously stated it reopened only the motorcycle matter; (6) the circuit court acknowledged Schroeder’s child support modification motion but later inferred that Schroeder did not file one; and (7) although the circuit court ordered placement, Chaffee refused to facilitate the telephone visits.

⁵ Although an unpublished one-judge opinion of this court, which Schroeder cites, indicates that the proper standard of review is for an erroneous exercise of discretion, published opinions provide that this court’s review is as stated above. Schroeder’s citation to the unpublished decision violates our rules of appellate procedure. *See* WIS. STAT. RULE 809.23(3) (prohibiting citation to an unpublished opinion, with exceptions not applicable here).

⁶ WISCONSIN STAT. § 767.255(3) is now WIS. STAT. § 767.61(3).

¶8 In light of the foregoing, we agree with Chaffee’s assessment of Schroeder’s brief on appeal:

Schroeder’s brief merely recites a number of disagreements he has with the [circuit] court, none of which is fully developed enough to get him to first base. It is difficult for the respondent, much less this court, to discern exactly what relief Schroeder seeks, why he believes the [circuit] court erred, and why he believes his appeal has merit. Schroeder has failed to develop his arguments beyond enumerated conclusions ... leaving us to guess if his appeal has any merit. Schroeder has failed in his burden to show his case has arguable merit.

¶9 Because Schroeder’s arguments are inadequately developed, we will not address them. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633, 642 (Ct. App. 1992) (We may decline to review issues that are “inadequately briefed,” such as when “arguments are not developed themes reflecting any legal reasoning” and “are supported by only general statements.”); *see also Barakat v. Wisconsin Department of Health & Social Services*, 191 Wis. 2d 769, 786, 530 N.W.2d 392, 398 (Ct. App. 1995) (we will not review arguments that are “amorphous and insufficiently developed”). We note, however, in passing, that Schroeder seemingly views the circuit court’s decision to reopen the divorce judgment relative to the sale of the motorcycle as an invitation to revisit numerous issues that were resolved in the underlying divorce proceeding. Schroeder’s appeal is not from the underlying divorce judgment. Rather, it is from the court’s postdivorce order. Because Schroeder failed to present a claim that has arguable merit as to the court’s order, we need not reach the issue of indigency.

By the Court.—Order affirmed.

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

