COURT OF APPEALS
DECISION
DATED AND FILED

November 3, 1998

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

No. 98-0230-CR

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

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

WADE C. DEVENEY,

DEFENDANT-APPELLANT.

APPEAL from a judgment and an order of the circuit court for Oneida County: ROBERT E. KINNEY, Judge. *Affirmed.*

Before Cane, C.J., Myse, P.J., and Hoover, J.

PER CURIAM. Wade Deveney appeals his conviction for burglary, after trial by jury. The trial court sentenced Deveney to a ten-year prison term, consecutive to a sentence he had already received for another crime from another county. Deveney, having discharged his postconviction counsel, has filed pro se briefs in this appeal. These briefs raise a series of unorganized charges about the

trial court proceedings. In addition, Deveney's briefs do not deal directly with some issues, instead expressly asking us to examine his voluminous trial court motions for his position on these matters; those trial court motions exceed 100 pages.[1] We conclude that Deveney's briefs do not meet minimum standards of appellate practice. We therefore summarily reject his arguments, strike his briefs, and affirm his conviction.

Appellate courts will not address amorphous and poorly developed arguments. *See* ***Block v. Gomez,*** 201 Wis.2d 795, 811, 549 N.W.2d 783, 790 (Ct. App. 1996). Litigants may not use appellate court briefs as a catch-all in which to mass their trial court filings; such briefs should strive to help narrow and clarify the issues, and courts may decline to address arguments that simply incorporate other extensive material by reference. *See* ***Calaway v. Brown County***, 202 Wis.2d 736, 750-51, 553 N.W.2d 809, 815 (Ct. App. 1996). Likewise, appellate courts may answer litigants' arguments in a proportionate way; courts may summarily put aside arguments cursorily made. *See* ***Butler v. State***, 102 Wis. 364, 365-66, 78 N.W. 590, 590 (1899).

Moreover, while incarcerated pro se litigants deserve some leniency with regard to waiver of rights, *see, e.g.,* ***State ex rel. Terry v. Traeger***, 60 Wis.2d

[1] Deveney's brief contains the following statement:

> This litigant states that he presented multiple issues of ARGUABLE MERIT to the trial court, and doesn't understand any need to try and rewrite all claimed [sic] in that motion whereas this Court has a copy of all papers sent to the trial court, and this litigant neither has the money or experience to try and rewrite all of that motion [sic] and present to this court now first what he thinks should be addressed first, and, in light of fact [sic] this petitioner can not begin to argue or support most of his claims for relief due to the fact that the trial court refused to put into the record the requested transcripts this litigant has discovered as Newly Discovered evidence.

490, 496, 211 N.W.2d 4, 7-8 (1973), they do not have "license not to comply with relevant rules of procedural and substantive law." ***Farretta v. California,*** 422 U.S. 806, 834 n. 46, 95 S.Ct. 2525, 2541 n.46, 45 L.Ed.2d 562 (1975). While some leniency may be allowed, neither a trial court nor a reviewing court has a duty to walk pro se litigants through the procedural requirements or to point them to the proper substantive law. The basic requirements that the brief state the issues, the facts necessary to understand them, and an argument on the issues may not be waived. *See* ***Waushara County v. Graf,*** 166 Wis.2d 442, 451, 480 N.W.2d 16, 20 (1992). Pro se litigants must make a good faith effort to meet minimum standards of clarity; their pro se status does not give them license to fill briefs with disjointed, extraneous material. *See* ***id***.

Here, Deveney's briefs fall short of these standards. First, he seeks to incorporate by reference over 100 pages of trial court motions. This is not a permissible briefing technique. The appellate rules limit litigants to fifty-page or 11,000-word briefs, *see* RULE 809.19(8)(c)1, STATS., and Deveney's stratagem works at cross-purposes with these limits. Second, Deveney's briefs are not a systematic review of the relevant facts and law. They are a disordered litany of unsupported factual and legal conclusions that leave us to attempt to reconstruct Deveney's possible claims from fragments. We have always given pro se litigants a good measure of freedom in their brief writing. We do not expect the precision of a lawyer, nor do we ask rigid adherence to all parts of standard appellate practice. We do expect, however, a thoughtful and earnest attempt to resolve articulated issues in a well-ordered way. Viewed from this standpoint, Deveney's

briefs do not meet minimum standards. Accordingly, we summarily reject Deveney's arguments, strike his briefs, and affirm his conviction.[2]

By the Court.—Judgment and order affirmed.

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

[2] After completion of briefing, Deveney filed a letter containing additional argument. The letter is not timely, and we do not consider it.