

**COURT OF APPEALS
DECISION
DATED AND FILED**

May 31, 2017

Diane M. Fremgen
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. 2016AP1149

Cir. Ct. Nos. 2004CM940
2007CT2518
2008TR9102
2013TR5557

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

PAUL A. ADAMS,

DEFENDANT-APPELLANT.

APPEAL from a judgment and orders of the circuit court for Waukesha County: RALPH M. RAMIREZ, Judge. *Affirmed.*

¶1 REILLY, P.J.¹ Paul A. Adams, pro se, appeals from the circuit court’s denial of Adams’ motion objecting to court assessed fines and forfeitures in Waukesha County circuit court case Nos. 2004CM940, 2007CT2518, 2008TR9102, and 2013TR5557.² Adams alleges errors in the amounts owed. We agree with the circuit court’s conclusion that Adams is not entitled to relief, and we affirm.

¶2 On December 9, 2015, the circuit court signed an “Income Assignment Order for Unpaid Fines and Other Financial Penalties” pursuant to WIS. STAT. § 973.05(4)(b) and (5)(c) for \$6585.24 in “fines, forfeitures, restitution, or other court obligations” assessed against Adams in multiple cases. In response, Adams, who is currently incarcerated, objected to the wage garnishment. The court denied the request, finding that Adams “provided no evidence as to why said fees are not owed” and explaining that it “reviewed the case records for each case cited on the wage garnishment and it appears that the fees due were duly imposed in these cases.”³

¶3 On April 6, 2016, Adams filed a “Motion for Injunctive Relief and Remand for Cost Determination” with the circuit court, claiming the court’s December 9, 2015 order was “defective” and “void.” Adams asked the court to

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

² On August 2, 2016, we entered an order concluding that this court “lacks jurisdiction to address any challenge to the May 25, 2016 circuit court decision rendered in *State v. Paul Adams*, Waukesha County circuit court case No. 2007CT2518.”

³ Judge Michael Maxwell entered the income assignment order and the order denying Adams’ objection.

“determine the amount, if any, Adams owes.” After a hearing, the court granted the motion in part and denied it in part.

¶4 As to the \$2674 forfeiture/fine assessed in case No. 2004CM940, the judgment of conviction provided that “[p]ayments [were] to be made at \$100.00 per month ... or 54 days in jail.” Adams argued that he completed the fifty-four days in 2004 or 2005 and the \$2674 fine should be removed, but the State had no proof “that [Adams] served 54 days outside of a sentence that he was serving already.” The court granted Adams’ request, imposing fifty-four days in jail to be served concurrent with the sentence he was already serving and dismissed the \$2674 fine. The court issued an amended judgment of conviction. As to the obligations assessed in the remaining circuit court cases, the circuit court found that Adams “hasn’t presented enough information to the Court to make a determination as to any other fees that are due and owing.” The court denied Adams’ request.⁴

¶5 We agree with the circuit court that Adams failed to support his position with any evidentiary substance and conclude that the court did not erroneously exercise its discretion. The customary common law rule is that the moving party has the burden of proof. *See State v. McFarren*, 62 Wis. 2d 492, 499-500, 215 N.W.2d 459 (1974). This requires that Adams present evidence in

⁴ Adams also argued to the circuit court and on appeal that the court never held a hearing on his ability to pay the court ordered fines/forfeitures. The circuit court did not reach this issue, and neither do we. Not only did Adams fail to present any evidence of his inability to pay the court ordered fees/forfeitures at the motion hearing, but the issue is also irrelevant as there is a statutory cap in place under WIS. STAT. § 973.05(4)(b) prohibiting more than twenty-five percent of Adams’ earnings in prison from being garnished. To the extent we have not addressed any other argument Adams raised on appeal, the argument is deemed rejected. *State v. Waste Mgmt. of Wis., Inc.*, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978).

support of his legal arguments, not merely make unsupported, conclusory statements that his rights were violated. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (we may decline to review arguments lacking in legal reasoning and only supported by general statements).

¶6 Adams cannot carry his burden. Adams conceded at the motion hearing that “the only case that I have any information on in this matter is the 04-CM-940,” and the circuit court granted Adams’ request in that case, which we will not upset on appeal. We accept that Adams received notice of the amounts assessed in each circuit court case listed on the judgment of conviction, default judgment, or other final disposition of the case, and we accept that those imposed monetary obligations would have been correct. *See State v. Baker*, 169 Wis. 2d 49, 76, 485 N.W.2d 237 (1992) (“[U]pon collateral attack a judgment carries with it a presumption of regularity.”). Adams had the right to a direct appeal on any of those fines or amounts ordered by the sentencing court. Without any facts in the record that establish that the fines/forfeitures assessed in case Nos. 2008TR9102 and 2013TR5557 are incorrect, we affirm the judgment and orders of the circuit court.⁵

⁵ We note that the Wisconsin Circuit Court Access electronic records lists an assessment of \$264 in case No. 2008TR9102 as a result of a default judgment for Adams’ failure to surrender his vehicle title pursuant to WIS. STAT. § 346.65(6)(a)2m. (2007-08). In case No. 2013TR5557, Adams was assessed \$65 after a default judgment was entered for refusing to take a test for intoxication after arrest, which is a violation of WIS. STAT. § 343.305(9)(a) (2012-13). Adams makes a blanket claim that he had no notice, but he does not develop his claim regarding these default judgments. We refuse to develop those arguments for him. *See State v. Gulrud*, 140 Wis. 2d 721, 730, 412 N.W.2d 139 (Ct. App. 1987) (court will not develop argument for litigant).

By the Court.—Judgment and orders affirmed.

This opinion will not be published. See WIS. STAT. RULE
809.23(1)(b)4.

