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STATE OF WISCONSIN

COURT OF APPEALS OF WISCONSIN

DISTRICT IV

APPEAL CASE NO. 2016AP966

COUNTY OF LAFAYETTE,

Plaintiff-Respondent,

VS.

IAN D. HUMPHREY,

Defendant-Appellant.

BRIEF OF PLAINTIFF-RESPONDENT

JENNA GILL

Lafayette County District Attorney

State Bar No. 1075040

Attorney for Plaintiff-Respondent

Lafayette County District Attorney's Office

626 Main Street

PO Box 203

Darlington, WI 53530

(608) 776-4842

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STATEMENT ON ORAL ARGUMENT AND PUBLICATION

Plaintiff-Respondent, County of Lafayette, states that oral argument is not warranted. This case is not appropriate for publication because the Plaintiff-Respondent believes the Defendant-Appellant has not raised sufficient issue with arguable merit.

ARGUMENT

I. THE DEFENDANT’S APPEAL HAS NO LEGAL OR FACTUAL BASIS ENTITLING HIM TO RELIEF.

Humphrey’s appellate brief sets for no legal basis for the findings requested. Additionally, the brief is without a factual basis as no transcript exists to support the statements made by Humphrey. In Appeal No. 2016AP1579, this Court already addressed whether the defendant’s appeal has arguable merit and found it did not. R. at 67. That determination came from Humphrey’s appeal of the circuit court’s determination to deny a waiver of transcript fees. R. at 67. The Court of Appeals affirmed the circuit court decision denying Humphrey’s request for a waiver of transcript fees. R. at 67. In doing so, this Court already determined that Humphrey failed to provide any basis upon which to conclude that his appeal has arguable merit. R. at 67.

Despite being denied a waiver of the transcript fees, Humphrey moved forward with this appeal without obtaining the transcripts necessary to support his appeal. Thus, this Court is left with no record or factual basis in which to grant the requests Humphrey is making. Humphrey admits in his brief that without the transcripts, he will not receive a meaningful appeal. Appellant’s Brief at 11. Yet, he provided no transcripts to supplement the record.

Additionally, Humphrey provides no legal basis to support his positions or entitle him to relief. The only legal authority Humphrey cites is supporting that without the transcript and proper record, this appeal isn't meaningful. Appellant's Brief at 11-12. No other authority is presented to warrant the relief Humphrey is requesting.

CONCLUSION

This Court should uphold the trial court's judgment because Humphrey's appeal has no arguable merit and the brief provides no factual or legal basis. Therefore, the County of Lafayette respectfully requests that this Court uphold the decision of the trial court.

Dated this 2nd day of July, 2018.

Respectfully submitted,

Jenna Gill
Lafayette County District Attorney
State Bar No. 1075040
Attorney for Plaintiff-Respondent

Lafayette County District Attorney's Office
626 Main Street
PO Box 203
Darlington, WI 53530
(608) 776-4842

CERTIFICATION

I certify this brief meets the form and length requirements of Rule 809.19(8)(b) and (c) in that it is: proportional serif font, minimum printing resolution of 200 dots per inch, 13 point body text, 11 points for quotes and footnotes, leading of minimum 2 points and maximum of 60 characters per line. The length of the brief is 341 words.

Dated this 2nd day of July, 2018.

Jenna Gill
Lafayette County District Attorney
State Bar No. 1075040
Attorney for Plaintiff-Respondent

CERTIFICATE OF ELECTRONIC FILING

I certify that I have submitted an electronic copy of this brief, excluding the appendix, if any, which complies with the requirements of Wisconsin Statutes sections 809.19(12)(f) and 809.19(13)(f) and that the content of the electronic copy of the Respondent's brief is identical to the content of the paper copy of the Respondent's brief.

A copy of this certificate was been served with the paper copies of this brief filed with the court and served on all opposing parties.

Dated this 2nd day of July, 2018.

Jenna Gill
Lafayette County District Attorney
State Bar No. 1075040
Attorney for Plaintiff-Respondent

CERTIFICATION OF MAILING

I certify that this brief and accompanying documents was mailed via the United States Postal Service to the Wisconsin Court of Appeals, District IV and to all parties associated with this action on July 2, 2018.

Dated this 2nd day of July, 2018.

Jenna Gill
Lafayette County District Attorney
State Bar No. 1075040
Attorney for Plaintiff-Respondent