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COURT OF APPEALS

STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT II

Case No. 2024AP001444 CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

vs.

MARTHA R. ELSILA,

Defendant-Appellant.

ON APPEAL FROM A JUDGMENT OF CONVICTION ENTERED
IN THE CIRCUIT COURT FOR OZAUKEE COUNTY, THE
HONORABLE PAUL V. MALLOY, PRESIDING

BRIEF OF PLAINTIFF-RESPONDENT

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TABLE OF AUTHORITIES**CASES CITED**

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STATEMENT ON ORAL ARGUMENT AND PUBLICATION

The State requests neither oral argument nor publication. The arguments of the appellant fall within the scope of Wis. Stat. § (Rule) 809.22(2)(a) and oral argument would be of no assistance to the Court

STATEMENT OF ISSUES AND STATEMENT OF THE CASE

Given the nature of the arguments raised in the brief of defendant-appellant the state exercises its option not to present a statement of the case. *See* Wis. Stat. § (Rule) 809.19(3)(a).

ARGUMENT

I. The appellant's arguments are undeveloped, not supported by legal authority, and not properly before this court.

The appellant raises a variety of claims about the competence of her legal representation in the trial court and challenges the restitution order issued by the trial court. However, the appellant's arguments are undeveloped and not supported by legal authority. The court will neither develop an appellant's argument for him, *see State v. Gulrud*, 140 Wis. 2d 721, 730, 412 N.W.2d 139 (Ct. App. 1987), nor address issues on appeal that are inadequately briefed. *See State v. Flynn*, 190 Wis. 2d 31, 58, 527 N.W.2d 343 (Ct. App. 1994).

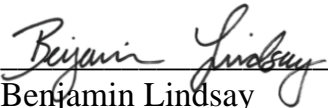
Further, the defendant's claim of ineffective assistance of counsel is not properly before this court. Claims of ineffective assistance of trial counsel cannot be reviewed on appeal absent a postconviction motion in the trial court. *State v. Balliette*, 2011 WI 79, ¶ 28, 336 Wis. 2d 358, 805 N.W.2d 334.

CONCLUSION

For the foregoing reasons, the State of Wisconsin respectfully requests that the Court of Appeals dismiss the appeal.

Dated this 5th day of February, 2025.

Respectfully submitted,


Benjamin Lindsay
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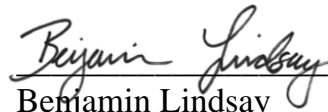
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CERTIFICATION REGARDING FORM AND LENGTH

I hereby certify that this brief conforms to the rules contained in Wis. Stat. § 809.19 (8) (b) and (c) for a brief produced with a proportional serif font. The word count of this brief is 538 words.

Dated this 5th day of February, 2025.



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