

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

January 26, 1999

Marilyn L. Graves  
Clerk, Court of Appeals  
of Wisconsin

**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 § 808.10 and RULE 809.62, STATS.

**No. 98-1781-CR**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT III**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**KENNETH GARRIGAN,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment of the circuit court for Marinette County:  
CHARLES D. HEATH, Judge. *Affirmed.*

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

PER CURIAM. Kenneth Garrigan appeals his sentence of two years imposed upon revocation of his probation. Garrigan raises three contentions in his appeal: (1) the sentence imposed was unduly harsh, severe and disproportionate to the crime; (2) the evidence was insufficient to support the sentence; and (3) the trial court misused its sentencing discretion. We do not

address Garrigan's contentions because he failed to move the trial court for sentence modification or reconsideration, and his arguments are not fully developed. Accordingly we affirm the sentence.

Garrigan was convicted on November 8, 1996, of one charge of delivery of a controlled substance (THC), less than 500 grams, in violation of § 161.41(1)(h)1, STATS. The trial court withheld sentence and placed Garrigan on probation. The Department of Corrections issued a probation revocation order and warrant on November 6, 1997. The trial court sentenced Garrigan on January 26, 1998, to two years in prison. This appeal ensued. The record contains no sentence modification or reconsideration motions. We have no obligation to review Garrigan's sentence because he failed to file a motion to reconsider or modify his sentence, and we decline to do so.

To obtain review of a sentence "as of right," the defendant must move for sentence modification under Rule 809.30, Stats., *State v. Scherreiks*, 153 Wis.2d 510, 516, 451 N.W.2d 759, 761 (Ct. App. 1989), or under sec. 973.19, Stats., *State v. Meyer*, 150 Wis.2d 603, 604, 442 N.W.2d 483, 484 (Ct. App. 1989). The sentence modification rule is part of the larger rule "that for issues on appeal to be considered as a matter of right, postconviction motions must be made except in challenges to the sufficiency of the evidence under sec. 974.02(2)[Stats. (1979-80)]." *State v. Monje*, 109 Wis.2d 138, 153a, 325 N.W.2d 695, 327 N.W.2d 641, 641 (1982) (on motion for reconsideration).

*State v. Hayes*, 167 Wis.2d 423, 425-26, 481 N.W.2d 699, 700 (Ct. App. 1992).

In addition, Garrigan's arguments are properly addressed to a sentencing court, not this court. Most of his arguments state the manner in which a trial court properly exercises sentencing discretion, and the remainder is best

characterized as a sentencing argument. Garrigan neither advances a legal argument nor cites to the record to demonstrate why the trial court erroneously exercised its sentencing discretion.<sup>1</sup>

We decline to develop Garrigan’s arguments for him, *see State v. Gulrud*, 140 Wis.2d 721, 730, 412 N.W.2d 139, 142 (Ct. App. 1987), and to address issues raised on appeal that are inadequately briefed. *State v. Flynn*, 190 Wis.2d 31, 58, 527 N.W.2d 343, 354 (Ct. App. 1994). We also decline to embark upon our own search of the record, unguided by references and citations to specific testimony or record information, to look for evidence that might support an argument. Section 809.19(1)(e), STATS., requires parties’ briefs to contain “citations to the ... parts of the record relied on,” and we have held that where a party fails to comply with the rule, “this court will refuse to consider such an argument .... [I]t is not the duty of this court to sift and glean the record *in extenso* to find facts which will support an [argument].” *Tam v. Luk*, 154 Wis.2d 282, 291 n.5, 453 N.W.2d 158, 162 n.5 (Ct. App. 1990).

Garrigan has not met the condition precedent necessary to pursue this appeal and has not adequately developed or supported his arguments. We therefore affirm the trial court.

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<sup>1</sup> There is no indication from Garrigan as to what the appellate standard of review is or how that relates to the claimed defects.

*By the Court.*—Judgment affirmed.

This opinion will not be published. RULE 809.(23)(1)(b)5, STATS.

