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**DISTRICT I**

January 5, 2016

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You are hereby notified that the Court has entered the following opinion and order:

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2014AP2342

State ex rel. Jermaine McAdory v. Randy Hepp, Warden, Fox Lake  
Correctional Institution (L.C. #2014CV6722)

Before Curley, P.J., Kessler and Brash, JJ.

Jermaine McAdory, *pro se*, appeals a circuit court order dismissing his petition for a writ of *habeas corpus*.<sup>1</sup> The circuit court dismissed the petition because it was not verified as required by WIS. STAT. § 782.04 (2013-14).<sup>2</sup> We conclude at conference that this matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1). We summarily affirm the order.

It is undisputed that McAdory did not verify his petition by having it notarized. On appeal, McAdory asserts that he was unaware of the statutory requirement and that the circuit court should have returned his papers to him instead of dismissing the petition. He also complains that the legal forms he purchased from the Fox Lake Correctional Institution did not indicate that the petition had to be notarized. These arguments are not persuasive.<sup>3</sup>

WISCONSIN STAT. ch. 782 governs petitions for *habeas corpus*. WISCONSIN STAT. § 782.04 explicitly states that *habeas corpus* petitions “must be verified,” *see id.*, which “entails signing the document in the presence of a notary public,” *State ex rel. Santana v. Endicott*, 2006 WI App 13, ¶11, 288 Wis. 2d 707, 709 N.W.2d 515. “[P]etitions not properly verified do not meet the requirements for a valid application.” *Id.* McAdory has not provided any authority for

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<sup>1</sup> The circuit court’s order also declared, at the State’s request, that “[d]ismissal of the petition counts as a strike under [WIS. STAT.] § 801.02(7)(d) of the Prisoner Litigation Reform Act.” McAdory has not discussed that component of the order on appeal and we will not discuss it. *See Reiman Assocs., Inc. v. R/A Advert., Inc.*, 102 Wis. 2d 305, 306 n.1, 306 N.W.2d 292 (Ct. App. 1981) (issues not briefed deemed abandoned).

<sup>2</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

<sup>3</sup> We also note that McAdory did not raise these arguments in the circuit court after the State argued that the petition should be dismissed for lack of verification. Arguments raised for the first time on appeal are generally deemed forfeited. *See State v. Van Camp*, 213 Wis. 2d 131, 144, 569 N.W.2d 577 (1997).

his arguments that he should be excused from the verification requirement and we are not persuaded there is a legal basis to do so. We affirm the circuit court's order.

We also note that there is another reason to affirm the circuit court's order dismissing the petition: McAdory had another remedy available to him. After McAdory's first appellate brief was filed but before the State's appellate brief was filed, this court issued a decision in another case McAdory had appealed.<sup>4</sup> See *State ex rel. McAdory v. Wiedenhoeft*, No. 2014AP96, unpub. slip op. (WI App April 21, 2015). In that decision, we considered whether McAdory had "passed his maximum discharge date for his two consecutive sentences" and concluded that McAdory's complaints about the calculation of his remaining time to be served lacked merit. See *id.*, ¶¶7-10. The appeal concerned the same issue McAdory raised in the petition for *habeas corpus* he filed in the circuit court in December 2014 and continues to assert on appeal. Because the other appeal provided McAdory an opportunity to litigate his sentence discharge issues, *habeas corpus* relief was not available. See *State v. Pozo*, 2002 WI App 279, ¶8, 258 Wis. 2d 796, 654 N.W.2d 12 (*Habeas corpus* is available only where there is "no other adequate remedy available at law.").

Finally, McAdory's appellate brief seeks \$2000 per day in remuneration for being held in prison too long. This request—made for the first time on appeal—is denied, as we are affirming the circuit court's dismissal of McAdory's petition for *habeas corpus* and we decided the legal issues against McAdory in the other appeal.

IT IS ORDERED that the circuit court order is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*

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<sup>4</sup> The State's response brief informed this court about the decision in No. 2014AP96. McAdory's reply brief did not discuss that appeal or respond to the State's argument that the other appeal provided another basis to affirm the circuit court. Arguments not rebutted are deemed admitted. *See Charolais Breeding Ranches, Ltd. v. FPC Sec. Corp.*, 90 Wis. 2d 97, 109, 279 N.W.2d 493 (Ct. App. 1979).