

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**April 14, 2016**

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. 2015AP1998**

**Cir. Ct. No. 2015CV1410**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**CITY OF MADISON,**

**PLAINTIFF-RESPONDENT,**

**V.**

**RAY PETERSON,**

**DEFENDANT-APPELLANT.**

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APPEAL from an order of the circuit court for Dane County:  
DAVID T. FLANAGAN III, Judge. *Affirmed and cause remanded for further proceedings.*

¶1 LUNDSTEN, J.<sup>1</sup> Ray Peterson appeals, pro se, the circuit court's order dismissing his request for review of a municipal court judgment against

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(b). All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

Peterson for \$455,848. The respondent City of Madison moves for costs and fees as allowed for a frivolous appeal under WIS. STAT. RULE 809.25(3). For the reasons stated below, I affirm the circuit court's order. I also grant the City's motion. I remand to the circuit court for an assessment of costs and fees.

¶2 The underlying municipal court judgment in this case encompasses 10 combined municipal court cases. As far as the briefing and record disclose, the cases involved numerous, ongoing housing code violations at multiple Peterson-owned properties. After a bench trial, the municipal court imposed a forfeiture amount of \$100 per day per violation.<sup>2</sup> As part of the resulting \$455,848 judgment, the municipal court also imposed a \$150,000 surety bond. The municipal court informed Peterson that, in order to have circuit court review of the judgment, Peterson was required to post the bond.

¶3 Peterson sought review in the circuit court. That court dismissed Peterson's appeal because Peterson failed to show that he posted the surety bond.

¶4 On appeal, this court need not address arguments that are inadequately developed or that fail to adhere to our briefing standards. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992). Peterson has had actual notice of our briefing standards. *See City of Madison v. Peterson*, No. 2014AP2276, unpublished slip op. ¶4 (WI App Mar. 26, 2015); *City of Madison v. Peterson*, No. 2014AP1306, unpublished slip op. ¶¶2-3 (WI App Mar. 5, 2015); *Peterson v. Stevens*, No. 2013AP709, unpublished slip op. ¶12 (WI App Oct. 24,

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<sup>2</sup> Peterson has not supplied a complete transcript of the municipal court proceedings, but he asserts that this was the forfeiture amount. The City does not dispute this assertion, and I take it as true. Regardless, the forfeiture amount is not material to my decision.

2013); *City of Madison v. Peterson*, No. 2013AP893, unpublished slip op. ¶7 (WI App Sept. 5, 2013).

¶5 Here, Peterson makes numerous assertions but fails to make a coherent or developed argument on any one topic. Among other shortcomings, Peterson’s briefing fails to cite relevant legal authority, contains numerous factual propositions lacking record citations, and appears to include information outside the record. In short, Peterson’s arguments fall far short of what is required, and I reject them on that basis. *See Pettit*, 171 Wis. 2d at 646-47.

¶6 I turn to the City’s motion. An appeal is frivolous under WIS. STAT. RULE 809.25(3) when “filed, used or continued in bad faith, solely for purposes of harassing or maliciously injuring another,” or when a party or party’s attorney “knew, or should have known, that the appeal or cross-appeal was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification or reversal of existing law.” *See* RULE 809.25(3)(c). Peterson has had actual notice of our standards for frivolous appeals. *See Peterson*, No. 2014AP2276, unpublished slip op. ¶5 (concluding that Peterson’s appeal in that case was frivolous).

¶7 Applying these standards, I agree with the City that Peterson’s appeal is frivolous because it has no reasonable basis in law or equity and is not supported by a good faith argument for an extension of or change in the law. To repeat, the circuit court dismissed Peterson’s municipal court appeal based on Peterson’s failure to post bond. In making this dismissal, the circuit court apparently acted under WIS. STAT. § 800.14(2). That statute provides that, “[o]n appeal by the defendant [of a municipal court judgment to the circuit court], the defendant *shall* execute a bond, at the discretion of the municipal judge, to the

municipal court with or without surety” (emphasis added). Thus, for Peterson’s appeal here to be non-frivolous, Peterson must make a non-frivolous argument that the circuit court lacked dismissal authority under § 800.14(2), or that the municipal court erroneously exercised its discretion in imposing the bond. Absent such argument, I can see no reasonable basis for Peterson’s appeal. As to the circuit court’s dismissal authority, Peterson fails to make *any* argument. As to the municipal court’s discretion to impose bond, Peterson’s only argument consists of unsupported conclusory assertions that the bond was “unnecessary” and a “clear abuse of discretion.” Without more, these assertions are frivolous.

¶8 In sum, for the reasons stated above, I affirm the circuit court’s order, and I conclude that Peterson’s appeal is frivolous. I remand to the circuit court for an assessment of costs and fees as allowed by WIS. STAT. RULE 809.25(3).

*By the Court.*—Order affirmed and cause remanded for further proceedings.

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

