

**COURT OF APPEALS
DECISION
DATED AND FILED**

June 23, 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. 2015AP1672

Cir. Ct. No. 2015CV1405

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

VILLAGE OF MCFARLAND,

PLAINTIFF-RESPONDENT,

V.

YAZAN MK KAMAL,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Dane County:
WILLIAM E. HANRAHAN, Judge. *Affirmed.*

¶1 LUNDSTEN, J.¹ In 2011, based on pleas of no contest, Yazan MK Kamal was convicted in municipal court for violating ordinances relating to

¹ 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.

possession of a controlled substance and operating while under the influence of an intoxicant. In 2015, Kamal sought relief from those convictions, first in the municipal court and then in the circuit court, asserting a newly discovered evidence claim. Kamal now appeals the last in a series of orders that effectively denied his requested relief. For the reasons below, I affirm.

¶2 It appears from the record that the circuit court denied Kamal relief from the 2011 ordinance violations for two independent and alternative reasons. First, the court entered a default judgment against Kamal based on Kamal’s failure to appear at a scheduled hearing. Second, the court concluded that, even if Kamal had not defaulted, Kamal’s written submissions failed to allege a viable newly discovered evidence claim.

¶3 On appeal, Kamal’s briefing is difficult to follow and does not adequately address either of these alternative grounds for the circuit court’s decision. I reject his arguments on that basis. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (this court need not consider undeveloped arguments); *see also Waushara Cty. v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992) (although the court may make some allowances for pro se litigants, “[t]hey are bound by the same rules that apply to attorneys on appeal”).

¶4 In addition, as a separate, stand-alone basis to affirm, I agree with the circuit court that Kamal failed to adequately allege a newly discovered evidence claim. At best, Kamal appears to be making a new *legal argument* relating to custodial interrogation based on evidence that is *not* new within the meaning of our newly discovered evidence case law. Thus, Kamal was not entitled to a hearing on his newly discovered evidence claim. *See State ex rel. Booker v. Schwarz*, 2004 WI App 50, ¶15, 270 Wis. 2d 745, 678 N.W.2d 361

(“To obtain an evidentiary hearing on the newly discovered evidence claim, the movant must allege with specificity the [newly discovered evidence] factors”); *see also State v. Plude*, 2008 WI 58, ¶32, 310 Wis. 2d 28, 750 N.W.2d 42 (setting forth the newly discovered evidence factors and explaining that the burden is on the defendant to prove them).

By the Court.—Order affirmed.

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

