

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**November 8, 2012**

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. 2011AP2939**

**Cir. Ct. No. 2011FO541**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT II**

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**WAUKESHA COUNTY,**

**PLAINTIFF-RESPONDENT,**

**V.**

**ERNEST J. PAGELS, JR.,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment of the circuit court for Waukesha County:  
NEAL NETTESHEIM, Judge. *Affirmed.*

¶1 LUNDSTEN, P.J.<sup>1</sup> Ernest Pagels appeals a judgment of the circuit court dismissing a charge against him for disorderly conduct. Pagels also requests

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(b) (2009-10). All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

reimbursement for his jury tender and witness subpoena fees. I affirm the circuit court's decision granting the State's motion to dismiss, and conclude that reimbursement is not warranted.

¶2 Pagels was charged with disorderly conduct and requested a jury trial. At the jury status hearing, the State moved to dismiss the charge against Pagels. The court granted the State's motion to dismiss over Pagels' objection. Pagels appealed.

¶3 Pagels fails to develop or cite to relevant support for his argument that the circuit court should have denied the State's motion to dismiss. The only support Pagels provides is citation to *United States v. Wilson*, 32 U.S. 150 (1833). That case, however, addresses the acceptance of a pardon, not a circuit court's discretion to grant or deny a motion to dismiss. Pagels fails to explain how *Wilson* is relevant to this appeal.

¶4 Pagels' contention that he is due reimbursement for jury tender or subpoena fees is similarly without merit. Pagels failed to raise this issue before the circuit court, and he has thus forfeited his right to raise it on appeal. Moreover, Pagels cites to no authority supporting his assertion that these fees should be reimbursed.

¶5 Accordingly, I affirm the circuit court's decision granting the State's motion to dismiss, and I deny Pagels' request for reimbursement.

*By the Court.*—Judgment affirmed.

This opinion will not be published.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

