COURT OF APPEALS
DECISION
DATED AND FILED

April 23, 2013

Diane M. Fremgen
Clerk of Court of Appeals

Appeal No. 2012AP390 **Cir. Ct. No. 2012CV355**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT I

STATE OF WISCONSIN EX REL. LARRY D. CONLEY,

PETITIONER-APPELLANT,

V.

SHERIFF DAVID CLARKE,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for Milwaukee County: MICHAEL J. DWYER, Judge. *Affirmed*.

Before Fine, Kessler and Brennan, JJ.

¶1 PER CURIAM. Larry D. Conley, *pro se*, appeals the order dismissing his petition for a writ of *habeas corpus*. Conley argues that his placement in custody was unlawful because he was not provided with adequate

notice or a hearing regarding the alleged violations of the terms of his extended supervision. We affirm.

BACKGROUND

¶2 In 2010, Conley was convicted of two felonies for fleeing and eluding an officer in Milwaukee County Case Nos. 2008CF1568 and 2008CF1895.[1] He was released on extended supervision in August of 2011.

¶3 Approximately five months after his release, a statement was taken from Conley regarding his activities in recent months. In the statement, Conley denied using cocaine or drinking alcohol. Conley further stated that he had purchased a car after receiving permission from his agent to do so. He acknowledged driving the car at 3:00 a.m., but denied knowing he had a curfew. Conley advised that he had contact with police, which he did not report within seventy-two hours because "my agent put my visit off."

¶4 Following Conley's statement, a Violation Investigation Report was prepared documenting a number of violations of the terms of his extended supervision. Namely, Conley's urine tested positive for cocaine; he purchased a vehicle and registered it in his own name without permission from his agent; he operated a vehicle without a valid driver's license or valid proof of insurance; he violated his curfew; and he had police contact, which he failed to report to his agent within seventy-two hours. The Report recommended that Conley serve

[1] We take judicial notice of Consolidated Court Automation Program (CCAP) records related to Conley's underlying criminal convictions.

ninety days as a sanction. The Department of Corrections subsequently issued an order to this effect.

¶5 After being placed in custody, Conley filed the petition for a writ of *habeas corpus* at issue. The State, by the Milwaukee County District Attorney's Office, moved to dismiss and submitted CCAP records related to Conley's underlying convictions, Conley's statement, the Violation Investigation Report, and the Order for Sanctions. The circuit court granted the motion.

DISCUSSION

¶6 "*Habeas corpus* is a civil proceeding which 'test[s] the right of a person to his personal liberty.' The purpose of the writ is to protect and vindicate the petitioner's right to be free from illegal restraint." ***State ex rel. Marberry v. Macht***, 2003 WI 79, ¶22, 262 Wis. 2d 720, 732, 665 N.W.2d 155, 162 (italics added; citations omitted; brackets in ***Marberry***).

> The extraordinary relief provided by the writ of *habeas corpus* is available only in limited circumstances and is subject to three prerequisites. First, the petitioner must be restrained of his liberty. Second, the restraint must have been imposed without jurisdiction or contrary to constitutional protections. Third, the petitioner must demonstrate that there are no other adequate remedies available in the law. Absent a showing that all three criteria are met, the writ of *habeas corpus* will not issue.

Id., 2003 WI 79, ¶23, 262 Wis. 2d at 732–33, 665 N.W.2d at 162 (italics added; citations omitted).

¶7 Conley has not made the requisite showing. He relies solely on assertions—made without factual support—that the proceedings against him should be invalidated because he received inadequate notice. This appeal is undeveloped and conclusory; as such, we will not consider it further. *See* ***State v.***

Pettit, 171 Wis. 2d 627, 646, 492 N.W.2d 633, 642 (Ct. App. 1992); *see also* ***State v. Jackson***, 229 Wis. 2d 328, 337, 600 N.W.2d 39, 43 (Ct. App. 1999) ("A party must do more than simply toss a bunch of concepts into the air with the hope that either the [circuit] court or the opposing party will arrange them into viable and fact-supported legal theories.").[2]

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.

[2] We note that the Department of Corrections' order specified that Conley's ninety days in custody would expire on March 22, 2012. The State does not discuss whether the issue before is moot; as such, we will save that matter for another day.