

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**March 11, 2003**

Cornelia G. Clark  
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. 02-1780  
STATE OF WISCONSIN**

**Cir. Ct. Nos. 99 SC 35610 & 99 SC 35911**

**IN COURT OF APPEALS  
DISTRICT I**

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**JIMMIE A. WOODFORD,  
  
PLAINTIFF-RESPONDENT,**

**V.**

**DOROTHY BOLTER,  
  
DEFENDANT-APPELLANT.**

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**DOROTHY BOLTER,  
  
PLAINTIFF,**

**V.**

**JIMMIE WOODFORD,  
  
DEFENDANT.**

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APPEAL from a judgment of the circuit court for Milwaukee County: ELSA C. LAMELAS, Judge. *Affirmed and cause remanded with directions.*

¶1 FINE, J. Dorothy Bolter was Jimmie A. Woodford's landlady. She appeals from a judgment entered on a jury verdict finding that she "unlawfully lock[ed] Jimmie Woodford out of his apartment," and that she acted "maliciously" toward him "in an intentional disregard of his rights." The jury awarded to Woodford compensatory damages of \$50, which the trial court doubled pursuant to WIS. STAT. § 100.20(5), and punitive damages of \$450. The trial court awarded attorneys fees of \$6,660 to Woodford, also pursuant to § 100.20(5). We affirm and remand with directions.

¶2 Bolter appeals *pro se*, and has not provided this court with transcripts of the trial, even though in an order we issued on August 14, 2002, we warned her that we "will not consider arguments she claims to have made at hearings before the circuit court unless there are transcripts or other record materials to support her arguments. *See T.W.S., Inc. v. Nelson*, 150 Wis. 2d 251, 254[-255], 440 N.W.2d 833[, 835] (Ct. App. 1989) (if there is no transcript in the record, this court will assume that every fact essential to sustain the trial court is supported by the record)." Subsequently, we remanded the matter to the circuit court for a hearing pursuant to *State ex rel. Girouard v. Circuit Court*, 155 Wis. 2d 148, 159, 454 N.W.2d 792, 797 (1990), for a determination of whether Bolter was entitled to receive transcripts paid for by the public. The trial court held a hearing on the issue, and, on November 14, 2002, issued an order denying Bolter transcripts at public expense.

¶3 Bolter has filed a five-page handwritten main brief and a two-page handwritten reply brief. She makes the following contentions, none supported by argument other than either assertion or allegation:

- that Woodford “lied renting apt.”;
- that Woodford had “money trouble”;
- that Woodford “lost job”;
- that Woodford did not pay his rent for three months;
- that Woodford’s friend sought money from Bolter, claiming that she (the friend) had fallen on steps in Bolter’s building, and that this was “not so”;
- that Woodford’s hiring of his lawyer made it “more difficult to communicate” with Woodford;
- that Woodford “lied [on the] witness stand” when he denied receiving various notices;
- that she had Woodford call the police, who told her that Woodford likes to, as alleged by Bolter, “kick & bang doors”;
- that the door to (presumably) Woodford’s apartment “was always open”;
- that Woodford told police officers that he was moving;
- that Woodford gave his key to “lady at tavern” and that this was a “planned lockout,” but that on the night Woodford allegedly gave his key to the lady at the tavern, Bolter “let him in no problem” at “1: p.m. [*sic*, in context it is, most likely, “1 a.m.”]”;
- that she had “wrong jurors” because ten of the jurors were “renters” and two of the jurors were “single family owners”;
- that “Woodford upset jury trial” by “laughing & making facial jestures [*sic*] behind my back,” and that Woodford’s lawyer was also “laughing,” but the trial judge would not do anything about it;

- that Woodford’s lawyer would not allow Woodford to “attend hearings” and that “Woodford afraid of being interrogated by me”;
- that Woodford’s lawyer “dragged case more trouble”;
- that Woodford’s lawyer told him not to move in order to turn what Bolter contends was a simple case into a “case all about money”;
- that Woodford “trashed apt.”;
- that the “case does not warrant a \$7,000” lien on her house;
- that Woodford’s lawyer “interfered” with her rights;
- that Woodford “had a destructive attitude towards my property”; and
- that Bolter is entitled to “\$5,000.00 from Woodford” and from Woodford’s lawyer for: “loss of rent; lying to lawyer & on witness stand; trasched [sic] apt.; refused to move & pay rent; no notice to vacate.”

(Uppercasing, initial capitalization, and emphasis omitted.) In her reply brief, Bolter repeats in less detail the contentions she made in her main brief.

¶4 Bolter’s contentions are, essentially, that the jury reached the wrong verdict—that there was insufficient evidence to support its findings. As noted, however, there are no transcripts of the jury trial in the record. Further, Bolter does not challenge the trial court’s order determining that she was not entitled to transcripts paid for by the public. Accordingly, we have no basis to assess her arguments that the evidence was not sufficient to support the jury verdict. *See Duhame v. Duhame*, 154 Wis. 2d 258, 269, 453 N.W.2d 149, 153 (Ct. App. 1989) (when appellate record is incomplete in connection with an issue, we assume that the missing material supports the trial court’s ruling); *State Bank of Hartland v. Arndt*, 129 Wis. 2d 411, 423, 385 N.W.2d 219, 225 (Ct. App. 1986) (appellant has

burden to ensure that record is sufficient to support argument); WIS. STAT. RULE 805.14(1) (jury verdict upheld unless, “considering all credible evidence and reasonable inferences therefrom in the light most favorable” to the verdict, “there is no credible evidence to sustain” it); *Sumnicht v. Toyota Motor Sales*, 121 Wis. 2d 338, 360, 360 N.W.2d 2, 12 (1984). Moreover, Bolter does not give us any authority, and we know of none, that prevents a jury of ten persons who rent their homes and two persons who own their homes from sitting on a case involving a dispute between a landlord and a tenant. We therefore affirm the judgment.

¶5 Our affirmance, however, does not end the matter. Under *Shands v. Castrovinci*, 115 Wis. 2d 352, 357–361, 340 N.W.2d 506, 508–510 (1983), Bolter is liable for Woodford’s reasonable attorney fees on this appeal. We therefore remand this matter to the trial court for a determination of what those fees are, and entry of the appropriate order. *See id.*, 115 Wis. 2d at 362, 340 N.W.2d at 511.

*By the Court.*—Judgment affirmed and cause remanded with directions.

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

