



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV

May 23, 2024

To:

Hon. John D. Hyland
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Michael C. Sanders
Electronic Notice

Jennifer L. Vandermeuse
Assistant Attorney General
P.O. Box 7857
Madison, WI 53703-7857

Susan S. Watson
644 Braxton Place
Madison, WI 53715

You are hereby notified that the Court has entered the following opinion and order:

2022AP859-CR State of Wisconsin v. Susan S. Watson (L.C. # 2021CF651)

Before Kloppenburg, P.J., Nashold, and Taylor, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. Rule 809.23(3).

Susan Watson, pro se, appeals a judgment of conviction for interfering with a child placement order. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).¹ We summarily affirm.

¹ All references to the Wisconsin Statutes are to the 2021-22 version.

In March 2021, the State filed a criminal complaint charging Watson with interfering with the custody of a child. The complaint alleges that a February 22, 2021 child custody order transferred guardianship of five-year-old J.L.A. from Watson to L.L.B., and that Watson refused to comply with the transfer of custody until J.L.A. was removed from her care on March 15, 2021. Watson waived her right to a jury trial and to counsel, and represented herself during a trial to the circuit court on March 16, 2022. The court found Watson guilty and entered a judgment of conviction.

On appeal, Watson fails to develop coherent arguments that apply relevant legal authority to the facts of record. This court generally does not consider arguments that are unsupported by adequate factual and legal citations or are otherwise undeveloped. See *Grothe v. Valley Coatings, Inc.*, 2000 WI App 240, ¶6, 239 Wis. 2d 406, 620 N.W.2d 463, *abrogated on other grounds by Wiley v. M.M.N. Laufer Fam. Ltd. P’ship*, 2011 WI App 158, 338 Wis. 2d 178, 807 N.W.2d 236 (lack of record citations); *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (undeveloped legal arguments). While we make some allowances for the failings of parties who, as here, are not represented by counsel, “[w]e cannot serve as both advocate and judge.” *Pettit*, 171 Wis. 2d at 647. Here, Watson has failed to develop legal arguments or to support them factually. Therefore, we affirm the circuit court on that basis.

Although we affirm the circuit court for the reason stated above, we choose to briefly explain why Watson’s arguments, as best we understand them, have no merit.²

² Our review is limited to matters arising from the judgment of conviction that Watson appeals. To the extent that Watson complains about the February 2021 transfer of guardianship of J.L.A. from Watson to L.L.B. or other matters outside this criminal case, those assertions are not within the scope of
(continued)

First, it appears that Watson may intend to dispute the sufficiency of the evidence to support her conviction. When reviewing the sufficiency of the evidence to support a conviction, we will not reverse the conviction “unless the evidence, viewed most favorably to the state and the conviction, is so insufficient in probative value and force that it can be said as a matter of law that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *See State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). We apply the same standard of review to trials to a jury or to the court. *See State v. Schulpius*, 2006 WI App 263, ¶11, 298 Wis. 2d 155, 726 N.W.2d 706.

Here, the State was required to prove the following elements: (1) J.L.A. was under eighteen years old; (2) L.L.B. had legal custody of J.L.A. under a court order; (3) Watson withheld J.L.A. for more than twelve hours beyond the court-approved period of physical placement without L.L.B.’s consent; and (4) Watson acted intentionally. WIS JI—CRIMINAL 2166. At trial, the State offered the February 2021 order showing that J.L.A. was five years old and that guardianship of J.L.A. was transferred to L.L.B. L.L.B. testified that Watson withheld J.L.A. from him until March 15, 2021. Watson testified that police showed her the order transferring guardianship of J.L.A. to L.L.B., but that she did not want to comply with the order so she kept J.L.A. in her custody. That evidence is sufficient to sustain the guilty verdict.

The second argument it appears that Watson may be making is that she did not validly waive her right to a jury trial. We reject that argument as well. The circuit court conducted a colloquy that ensured that Watson made a knowing, intelligent, and voluntary waiver of her right

this appeal and we do not consider them. *See* WIS. STAT. RULE 809.10(4) (an appeal from a final order or judgment brings before the court only matters within the action or proceeding).

to a jury trial. See *State v. Anderson*, 2002 WI 7, ¶¶3, 10-11, 249 Wis. 2d 586, 638 N.W.2d 301. The court established that Watson made a deliberate choice and was not threatened or promised anything; explained to Watson that a jury trial would require having twelve people agree unanimously on the verdict as opposed to a court trial in which the judge would be the sole decision maker; and discerned that Watson was afforded the time she needed to make the decision. *Id.*, ¶24. Watson provides no basis to challenge her decision waiving her right to a jury trial.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals