



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](http://www.wicourts.gov)

**DISTRICT IV**

June 20, 2024

To:

Hon. Craig R. Day  
Circuit Court Judge  
Electronic Notice

Ruth E. Goldwater McCoy  
Electronic Notice

Tina McDonald  
Clerk of Circuit Court  
Grant County Courthouse  
Electronic Notice

Greg Griswold  
Electronic Notice

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

---

2022AP2099

Greg Griswold v. Jonathan T. Miles (L.C. # 2020CV216)

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

Greg Griswold, pro se, appeals a circuit court order denying his request for a waiver of appeal transcript fees on the basis of indigency. Respondent Jonathan Miles, by counsel, has filed a letter stating that he will not be filing a responsive brief and takes no position with respect to this appeal. Based upon our review of Griswold's brief and the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).<sup>1</sup> We summarily affirm.

---

<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version.

## **Background**

Griswold filed a previous appeal, which was docketed as appeal No. 2022AP689. Griswold filed in the circuit court Form CV-410A, Petition for Waiver of Fees and Costs - Affidavit of Indigency. On that form, Griswold asserted that, because of poverty, he was unable to pay the fees for preparing and filing the transcripts necessary for appeal No. 2022AP689. The circuit court found that “there is substantial question as to whether Mr. Griswold is indigent,” referencing the records in other Grant County Circuit Court cases in which Griswold had been found not to be indigent. The court nonetheless preliminarily granted Griswold a waiver of the transcript fees in order to protect Griswold’s access to his appeal. The court ordered Grant County to pay the transcript fees “subject to later order for reimbursement by Mr. Griswold.” The court expressly stated that it would revisit the issue of Griswold’s indigency at a later date.

Pursuant to the circuit court’s preliminary order, the court reporter prepared and filed the transcripts on July 14, 2022. Grant County paid the invoice for \$308.00 in transcript fees. On September 15, 2022, appeal No. 2022AP689 was dismissed after Griswold filed a notice of voluntary dismissal. The circuit court revisited the issue of Griswold’s indigency, as it said it would do. The court entered an order on December 2, 2022, directing Griswold to reimburse Grant County in the amount of \$308.00. The court left the door open, however, for Griswold to submit additional documentation to support his indigency claim. The court stated, “Unless Plaintiff establishes by documentation that he does not have access to resources sufficient to pay the transcript costs, the transcript costs shall be paid no later than February 28, 2023.” Griswold

failed to submit the additional documentation ordered by the court. Instead, he filed a notice of appeal seeking review of the court’s December 2, 2022 order.<sup>2</sup>

### Discussion

Griswold presents a single issue in his appellant’s brief, and that is whether the circuit court erroneously exercised its discretion when it denied his request for a waiver of transcript fees without first holding an evidentiary hearing. Pursuant to WIS. STAT. § 814.29, a litigant is entitled to free transcripts on appeal of a civil case when the litigant establishes both indigency and that his or her underlying appeal states “a claim upon which relief can be granted.” *State ex rel. Girouard v. Circuit Ct. for Jackson Cnty.*, 155 Wis. 2d 148, 159, 454 N.W.2d 792 (1990).

Griswold argues that the circuit court was required to hold a hearing on his petition. Although Griswold cites numerous cases within his brief, he has not cited any relevant legal authority to support his assertion that the court was required to hold a hearing on his request for a waiver of transcript fees. Thus, we could reject Griswold’s argument on that basis. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (court of appeals will not consider arguments that are undeveloped or unsupported by legal authority). Nevertheless, we briefly explain why Griswold’s argument fails on the merits.

When the circuit court issued its December 2, 2022 order directing Griswold to reimburse the County, it relied on prior decisions of the Grant County Circuit Court. Most notably, the

---

<sup>2</sup> Griswold later filed a motion for reconsideration in the circuit court, which the court denied. Griswold did not file a new notice of appeal seeking review of the order denying reconsideration. His failure to properly appeal that order precludes our review of the motion for reconsideration. *Johnson v. Heintz*, 73 Wis. 2d 286, 294, 243 N.W.2d 815 (1976).

court incorporated by reference an order issued on December 2, 2021, by Judge Robert P. VanDeHey in Grant County Circuit Court case No. 2021SC71. The facts pertaining to the fee waiver issue in case No. 2021SC71 are similar to the facts of this case. In case No. 2021SC71, Judge VanDeHey preliminarily granted Griswold's request for a fee waiver on the basis of indigency, but later vacated that order. The court found that Griswold was not indigent and ordered Griswold to provide documentation to substantiate his indigency. Griswold did not provide the documentation he was ordered to provide. After Griswold later voluntarily dismissed his appeal, Judge VanDeHey issued an order on August 2, 2022, ordering Griswold to pay the filing fee and transcript fees associated with the appeal. Griswold appealed the August 2, 2022 order to this court. In an opinion dated January 20, 2023, in appeal No. 2022AP1385, this court affirmed Judge VanDeHey's decision to vacate his previous order granting Griswold's request for a waiver of fees in Grant County Circuit Court case No. 2021SC71.

The record in this case shows a similar sequence of events to those in Grant County Circuit Court case No. 2021SC71. As in that case, here, Griswold sought a waiver of fees associated with pursuing his appeal and was granted a waiver on a preliminary basis. Griswold voluntarily dismissed the appeal. The circuit court later revisited its decision and vacated the prior fee waiver order, but provided Griswold with a window of time in which he could submit documentation to support his claim of indigency. Griswold does not assert in his appellant's brief that he submitted the documentation he was ordered to submit.

Griswold argues in his appellant's brief that it was error for the circuit court in this case to rely on what he calls "Judge VanDeHey's entirely blindsided erroneous exercise of discretion" in Grant County Circuit Court case No. 2021SC71. This argument fails because, as noted, in appeal No. 2022AP1385, this court affirmed Judge VanDeHey's decision to vacate his prior

order granting Griswold's request for a fee waiver. This court did not conclude that there was an erroneous exercise of discretion on the part of the circuit court. Griswold may not relitigate the issues in appeal No. 2022AP1385 through this appeal.

There is nothing in Griswold's brief or in the circuit court record that persuades us that the court failed to comply with its obligations under WIS. STAT. § 814.29. Griswold fails to show that the court erroneously exercised its discretion in requiring him to reimburse Grant County for transcript fees paid on his behalf, after Griswold did not comply with the court's order to provide documentation to support his claimed indigency.

IT IS ORDERED that the order of the circuit court is summarily affirmed. *See* 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*