

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

October 3, 1995

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-0307

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT I

ALLSTATE INSURANCE COMPANY,

Plaintiff-Respondent,

v.

LINDA WILLIAMS,

Defendant-Appellant.

APPEAL from a judgment of the circuit court for Milwaukee County: MICHAEL J. SKWIERAWSKI, Judge. *Affirmed.*

Before Wedemeyer, P.J., Sullivan and Schudson, JJ.

PER CURIAM. Linda Williams, *pro se*, appeals from a judgment entered in favor of Allstate Insurance Co. on Allstate's subrogation claim against Williams. Williams claims: (1) her constitutional rights were violated by the exclusion of a police report; (2) the trial court erred in excluding a police report; and (3) the evidence is insufficient to support the judgment. Because Williams did not file a transcript relevant to these issues, we must affirm.

I. BACKGROUND

On July 7, 1992, Williams entered the home of her sister, Viola Johnson, and engaged in an argument with another sister, Marcella, who was baby-sitting in the Johnson home. During the argument, certain property was damaged. Johnson made a claim for the property damage with Allstate, who insured Johnson's home. Allstate adjustor Ellen Yopps investigated the claim and concluded that appliances, furniture, housewares, a television and a VCR were damaged either by a blunt object or from an individual falling on the property. Allstate paid the claim and then sued Williams in a subrogation action to try to collect the amount paid.

Williams represented herself in a bench trial in December 1994. Allstate called Yopps, Johnson, and Marcella as witnesses. Williams also testified. Williams did not call any of her own witnesses. During the trial, Williams attempted to introduce a police report that purportedly recorded the incident. The trial court excluded the report on hearsay grounds.

After hearing the evidence, the trial court found in favor of Allstate. The trial court found that all the property that was the subject of the claim had in fact been damaged and that Williams was 100% at fault for the damage that occurred. Judgment was entered in the amount of \$2,162.88, plus costs. Williams now appeals from that judgment.

II. DISCUSSION

Williams's first two contentions revolve around the exclusion of a police report, which is an evidentiary ruling, and thus, left to the discretion of the trial court. See *Prill v. Hampton*, 154 Wis.2d 667, 678, 453 N.W.2d 909, 913 (Ct. App. 1990). The third issue, insufficiency of the evidence, is based on the credibility of the witnesses. Williams argues that the trial court should have accepted her testimony instead of the other witnesses' testimony. Credibility issues are also left to the discretion of the trial court. *Gehr v. City of Sheboygan*, 81 Wis.2d 117, 122, 260 N.W.2d 30, 33 (1977); *Milbauer v. Transport Employes' Mut. Benefit Soc'y*, 56 Wis.2d 860, 865, 203 N.W.2d 135, 138 (1973).

Our review on discretionary issues is limited to whether the trial court erroneously exercised its discretion. *Gehr*, 81 Wis.2d at 122, 260 N.W.2d at 33. In employing this standard, we ordinarily review the transcripts relevant to the specific claims raised. Unfortunately, Williams declined to file the trial transcript. We must assume, in the absence of the transcript, that every fact essential to sustain the trial court's exercise of discretion is supported by the record. See *Austin v. Ford Motor Co.*, 86 Wis.2d 628, 641, 273 N.W.2d 233, 239 (1979). For this court to even consider reversing a trial court on a discretionary call, it is the appellant's responsibility to furnish this court with the relevant portions of the transcript. See *id.* at 642, 273 N.W.2d at 239. The absence of any transcript makes it impossible for us to consider, let alone accept, Williams's arguments on appeal. Without the transcripts, we must assume that the trial court properly exercised its discretion in excluding the police report and in determining the credibility of the witnesses and the weight to be given to their testimony. Consequently, the judgment must be affirmed.

By the Court. — Judgment affirmed.

This opinion will not be published. See RULE 809.23(1)(b)5, STATS.