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DISTRICT IV

March 13, 2017

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

2016AP129

In re the Paternity of T. J. T.: Mindy A. Wood v. Jeremy J.
Theders (L.C. # 2006PA154PJ)

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

Jeremy Theders, pro se, appeals a circuit court order that modified child custody and placement. 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 (2015-16).¹ We summarily affirm.

This appeal arises from a lengthy custody and placement dispute as to a child of Theders and Mindy Wood. In an order dated November 30, 2015, the circuit court modified custody and

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

placement, denied Theders's request to move out of state with the child, denied Theders's motion for the judge to recuse, and ordered both parties to repay the county for fees paid to their court-appointed attorneys and the guardian ad litem (GAL).²

Theders asserts that the circuit court's order was not supported by the facts and was contrary to law. However, Theders's specific challenges to the order are insufficiently developed to allow this court to decide them without first developing them on Theders's behalf. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (court may decline to address arguments raised by appellant that do not comply with minimal briefing requirements).

Theders contends first that the evidence supported Theders's position as to custody and placement and his request to move out of state with the child under WIS. STAT. § 767.41, the statute governing custody and physical placement. In conclusory terms, Theders contends that there was no evidence to support the circuit court's custody and placement decisions and that, to the contrary, all of the evidence supported Theders's arguments for sole custody and primary placement. However, Theders does not address any of the specific factors relevant to custody and placement set forth under WIS. STAT. § 767.41(5) or explain how the evidence supported his custody and placement requests under any of those factors. *See* WIS. STAT. RULE 809.19(1)(e) (arguments in brief must contain reasons for argument and citations to supporting legal authority). For example, Theders does not provide citations to the record to point to any

² We note that the circuit court issued a lengthy opinion covering many disputed issues between the parties. The court made comprehensive factual and credibility findings following three evidentiary hearings with multiple witnesses, and explained in detail the court's legal conclusions. We appreciate the effort underlying the circuit court's order.

evidence that rendered the circuit court's lengthy and detailed factual findings clearly erroneous. *See* WIS. STAT. RULE 809.19(1)(e) (arguments in brief must be supported by citations to facts in the record); *Schreiber v. Physicians Ins. Co. of Wis.*, 223 Wis. 2d 417, 426, 588 N.W.2d 26 (1999) (we will uphold circuit court factual findings unless they are clearly erroneous, that is, unsupported by the record). Rather, Theders generally disputes the circuit court's credibility determinations and asserts that the testimony in support of his arguments should have been deemed more credible than the testimony supporting Wood's arguments. The circuit court is the ultimate arbiter of witness credibility, however, and we must accept the circuit court's credibility findings when there is a conflict in testimony. *See Cogswell v. Robertshaw Controls Co.*, 87 Wis. 2d 243, 249-50, 274 N.W.2d 647 (1979). Additionally, if different reasonable inferences may be drawn from the testimony, we must accept the inferences drawn by the circuit court. *See id.*

Theders also asserts that the circuit court erred by ordering Theders to repay fees for his court-appointed attorney and for the GAL. However, Theders does not cite any legal authority or explain how the facts in the record support a legal argument that the court erred by ordering Theders to reimburse the county for those fees. Because Theders has not developed a coherent argument on this issue, we are unable to address it further.

Theders also asserts that the judge was biased and should have recused himself. Again, however, Theders fails to set forth the legal basis for his claim or apply that legal standard to the facts in the record. We therefore do not address this assertion further.

We have considered the remainder of Theders's brief and determined that none of Theders's statements or assertions are sufficiently developed as legal arguments to warrant a response.

Therefore,

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

Diane M. Fremgen
Clerk of Court of Appeals