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DISTRICT IV

April 29, 2019

To:

Hon. Alan J. White
Circuit Court Judge
400 DeWitt St.
P.O. Box 587
Portage, WI 53901-2157

Susan K. Raimer
Clerk of Circuit Court
Columbia County Courthouse
400 DeWitt St., P.O. Box 587
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Debra Barth

James Edward Grant

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

2017AP332

Debra Barth v. James Edward Grant (L.C. # 2016CV352)

Before Lundsten, P.J., Sherman and Fitzpatrick, 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).

James Grant appeals a circuit court order entered on February 13, 2017, in which the court denied his motion for change of venue and upheld a harassment injunction it previously issued. 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 (2017-18).¹ We summarily affirm.

The appellant's brief contains numerous complaints about the circuit court proceedings in this matter. The brief fails, however, to develop coherent arguments that apply relevant legal

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

authority to the facts of record, and instead relies largely on conclusory assertions. “A party must do more than simply toss a bunch of concepts into the air with the hope that either the trial court or the opposing party will arrange them into viable and fact-supported legal theories.” *State v. Jackson*, 229 Wis. 2d 328, 337, 600 N.W.2d 39 (Ct. App. 1999). Consequently, this court need not consider arguments that either are unsupported by adequate factual and legal citations or are otherwise undeveloped. See *Dieck v. Unified Sch. Dist. of Antigo*, 157 Wis. 2d 134, 148 n.9, 458 N.W.2d 565 (Ct. App. 1990) (unsupported factual assertions); *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, and will not scour the record to develop arguments for an appellant, *Jackson*, 229 Wis. 2d at 337. Here, Grant has failed to develop his arguments legally 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 Grant’s arguments, as best we understand them, have no merit. Here, Grant appeals the circuit court’s February 13, 2017 order denying his motion for a change of venue. “A motion for a change of venue is addressed to the trial court’s discretion.” *State v. Ritchie*, 2000 WI App 136, ¶23, 237 Wis. 2d 664, 614 N.W.2d 837. The February 13, 2017 order also upheld a harassment injunction, which is likewise a discretionary ruling. See *Board of Regents-UW Sys. v. Decker*, 2014 WI 68, ¶19, 355 Wis. 2d 800, 850 N.W.2d 112. We cannot conclude, based on this record, that the circuit court erroneously exercised its discretion.

Grant appears to be challenging the circuit court’s decision on the basis that the respondent, Debra Barth, is not credible and/or that she lied to the circuit court. “It is generally

not the province of the reviewing court to determine issues of credibility.” *State v. Wachsmuth*, 166 Wis. 2d 1014, 1023, 480 N.W.2d 842 (Ct. App. 1992). The record reflects that the circuit court held three hearings on the injunction petition. Barth provided sworn testimony at the first two hearings regarding her reasons for seeking a harassment injunction. Grant failed to appear at any of the hearings and, therefore, did not avail himself of multiple opportunities to place facts in the record to support his arguments related to venue and the injunction. His arguments on appeal are, therefore, unsupported and fail to persuade us that the circuit court erroneously exercised its discretion.

Therefore,

IT IS ORDERED that the circuit court’s order is summarily affirmed pursuant to WIS. STAT. RULE 809.21(1).

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

Sheila T. Reiff
Clerk of Court of Appeals