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**DISTRICT IV**

March 9, 2023

To:

Hon. Josann M. Reynolds  
Circuit Court Judge  
Electronic Notice

Elisabeth Spidle Fletcher  
Electronic Notice

Ahmed Soliman Abdalla

Carlo Esqueda  
Clerk of Circuit Court  
Dane County Courthouse  
Electronic Notice

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

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2021AP1162

Petitioner v. Ahmed Soliman Abdalla (L.C. # 2021CV1375)

Before Blanchard, P.J., Fitzpatrick, and Graham, 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).**

Ahmed Soliman Abdalla, pro se, appeals a domestic abuse injunction order. Abdalla argues that the circuit court erred by ignoring evidence that he was engaged in self-defense and by declining to admit medical records. Based on our review of the briefs and the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1) (2021-22).<sup>1</sup> We affirm.

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

To obtain a domestic abuse injunction, the petitioner must show “reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.” WIS. STAT. § 813.12(4)(a)3. As pertinent in this case, “domestic abuse” is statutorily defined to include “[i]ntentional infliction of physical pain, physical injury or illness.” Sec. 813.12(1)(am)1.

The petitioner and Abdalla each testified at the injunction hearing. The petitioner testified that Abdalla had physically abused her in a series of violent incidents. She testified that Abdalla beat her, strangled her, and inflicted multiple physical injuries on her person, including a broken nose. She submitted photographs showing injuries to her face, neck, hands, and leg. The petitioner testified that Abdalla would “punish” her for disagreeing with his opinions and that he took pleasure in hurting her. She testified that there was one incident in which Abdalla severely beat her after she slapped him twice for saying that ninety percent of men cheat. The petitioner also testified that she struck Abdalla with a remote control.

Abdalla testified that the petitioner had a temper and started the parties’ fights. He testified that whenever she would become nervous or angry, she would start attacking him. He testified that there was one incident in which she pushed him to the ground and hit him more times than he could count. He testified that he sought medical treatment after that incident and had a skull contusion. Abdalla further testified that his actions against the petitioner were in self-defense and that he never intended to harm her. When asked whether he had caused specific injuries to the petitioner shown in some of the photographs, Abdalla testified that he was “not sure.” He testified that what appeared to be injuries to the petitioner’s face may have been due to a nose surgery she had.

The circuit court declined to allow the parties to admit medical records. The court determined that the records were hearsay and that the parties had not complied with a hearsay exception that would have made the records admissible.

In granting the requested injunction against Abdalla, the circuit court initially stated that it was “very conflicted” about the case, and it found that both parties had been physically violent with each other. The court ultimately concluded that the petitioner had established reasonable grounds to believe that Abdalla had engaged in domestic abuse. The court found that the evidence showed that Abdalla intentionally inflicted both physical pain and physical injury on the petitioner.

We review the circuit court’s decision granting or denying a domestic abuse injunction for an erroneous exercise of discretion. *See* WIS. STAT. § 813.12(4)(a); *Welytok v. Ziolkowski*, 2008 WI App 67, ¶23, 312 Wis. 2d 435, 752 N.W.2d 359 (statute providing that a judge “may” grant an injunction if certain conditions are met implies an exercise of discretion). We will uphold the court’s exercise of discretion if the court “examined the relevant facts, applied a proper standard of law and, using a demonstrated rational process, reached a conclusion that a reasonable judge could reach.” *Goberville v. Goberville*, 2005 WI App 58, ¶7, 280 Wis. 2d 405, 694 N.W.2d 503.

Abdalla first argues that the circuit court erred by ignoring evidence that he was engaged in self-defense. He argues that the court ignored evidence showing that the petitioner was the aggressor in the parties’ altercations, including the petitioner’s admission that she started a fight by slapping him. Abdalla quotes part of the criminal self-defense statute, WIS. STAT. § 939.48, as follows:

A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference.

Sec. 939.48(1). Abdalla argues that the evidence showed that “the big picture is that [the petitioner] is [the] aggressor and [that] her asking for [an] injunction is unjustified.”

We will assume, without deciding, that the circuit court may consider the criminal self-defense statute when deciding whether to grant or deny a domestic abuse injunction. Even so, we are not persuaded by Abdalla’s arguments relating to self-defense.

Contrary to what Abdalla argues, the record makes clear that the circuit court considered evidence of the petitioner’s aggressive or violent conduct toward Abdalla, as reflected in part by the court’s statement that it was “very conflicted” about the case and by the court’s finding that both parties had been physically violent with each other. “For an exercise of discretion to be reasonable, the court need not exhaustively analyze each piece of evidence, but it must articulate its findings and reasoning.” *Goberville*, 280 Wis. 2d 405, ¶7. Here, the court’s findings and reasoning on the whole reflect the court’s conclusion that Abdalla’s violent conduct toward the petitioner was disproportionate to any threat she posed to him and was intended, at least in some instances, to inflict physical pain and injury on her. Stated in terms of the self-defense statute, there was ample evidence to show that Abdalla’s use of force against the petitioner far exceeded “such force ... as the actor reasonably believes is necessary to prevent or terminate the interference.” *See* WIS. STAT. § 939.48(1).

The circuit court was not required to credit Abdalla's testimony that he was engaged in self-defense, nor was the court required to give the same weight to each party's version of events. Rather, the circuit court's role as fact finder is to make credibility determinations, resolve conflicts in the testimony, and choose between competing reasonable inferences that the evidence can support. See *Welytok*, 312 Wis. 2d 435, ¶¶27-28.

Abdalla next argues that the circuit court erred by declining to admit medical records. This argument is wholly undeveloped. Abdalla does not address the court's reasoning for excluding the medical records, nor does Abdalla otherwise discuss legal authority or legal standards that govern the admissibility of medical records or evidence more generally. Accordingly, we decline to further discuss Abdalla's argument that the court erred by declining to admit medical records. While we make some allowances for pro se litigants, we do not develop arguments on their behalf. See *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) ("We may decline to review issues inadequately briefed," and "[a]rguments unsupported by references to legal authority will not be considered."); *State ex rel. Harris v. Smith*, 220 Wis. 2d 158, 165, 582 N.W.2d 131 (Ct. App. 1998) ("Our obligation [to liberally construe pro se pleadings] does not extend to creating an issue and making an argument for the litigant. We cannot serve as both advocate and judge.").

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.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*