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DISTRICT IV

May 18, 2023

To:

Hon. Juan B. Colas
Circuit Court Judge
Electronic Notice

Carlo Esqueda
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Lauri Roman
Electronic Notice

Janice K. Wexler
Electronic Notice

Jacob Alan Rivers
258 N. Bristol St.
Sun Prairie, WI 53590

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

2022AP124

Candace M. Priebe v. Jacob Alan Rivers (L.C. # 2009FA1931)

Before Blanchard, P.J., Kloppenburg, 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).

Jacob Rivers, pro se, appeals circuit court orders finding him in contempt of court and denying his motion to modify child support and motion for relief from sanctions. After reviewing the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).¹ We summarily affirm.

Rivers' 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 2021-22 version.

authority to the facts of record, and instead relies largely upon conclusory assertions. As one example, Rivers takes issue with information that Priebe has supplied to the court about her living situation. However, Rivers does not develop any argument to explain how the assertions would support a reversal of the circuit court decision that is the subject of Rivers' appeal.

“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 are unsupported by adequate factual and legal citations or are otherwise undeveloped. See *Grothe v. Valley Coatings, Inc.*, 2000 WI App 240, ¶6, 239 Wis. 2d 406, 620 N.W.2d 463 (lack of record citations), *abrogated on other grounds by Wiley v. M.M.N. Laufer Fam. Ltd. P’ship*, 2011 WI App 158, 338 Wis. 2d 178, 807 N.W.2d 236; *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 viable, fact-supported legal theories on the appellant’s behalf, *Jackson*, 229 Wis. 2d at 337.

Here, Rivers has failed to develop his arguments legally or to support them factually, and he has failed to file a reply brief responding to the arguments made in the respondent’s brief. Propositions asserted by a respondent on appeal and not disputed by the appellant in the reply brief are taken as admitted. See *Schlieper v. DNR*, 188 Wis. 2d 318, 322, 525 N.W.2d 99 (Ct. App. 1994).

In sum, we reject Rivers' arguments as undeveloped and we affirm the circuit court on that basis.

IT IS ORDERED that the orders are summarily affirmed under 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