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WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

May 24, 2023

To:

Hon. Scott C. Woldt
Circuit Court Judge
Electronic Notice

Petitioner

Carol F. Resop

Tara Berry
Clerk of Circuit Court
Winnebago County Courthouse
Electronic Notice

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

2021AP261

Petitioner v. Carol F. Resop (L.C. #2020CV814)

Before Gundrum, P.J., Neubauer and Grogan, 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).

Petitioner appeals pro se from an order of the circuit court. He claims the court erred in denying his petition for a domestic abuse restraining order against Carol F. Resop. 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 (2021-22).¹ For the following reasons, we affirm.

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

Petitioner was living in a residence owned by Resop when the relevant incidents occurred underlying Petitioner's request for a restraining order. At the hearing on his petition, Petitioner told the circuit court that while Resop was trying to go past him in her living room, she intentionally struck Petitioner with her elbow, causing him pain. He further stated that later that same day Resop threatened him when she stated "Santa Claus is watching and he might come flying across the room at you any moment now." Petitioner described this "Santa Claus" as "a porcelain like statue [o]f Santa Claus on the table that she was talking about throwing at me."

Related to the living room incident, Resop admitted contact occurred but characterized it as accidental as she was trying to get to a ringing phone. As to the "threat" later in the day, Resop stated "[t]hat was a joke to get him—to shut his mouth. That was just a joke. It was like a family joke. A Santa Claus is going to jump up and hit you in the head. That is fantasy." She added that she had "never been abusive in my life" and asserted that "[t]his is all in retaliation for us filing a restraining order on him."

The circuit court concluded that Petitioner failed to meet his burden to show that Resop intentionally inflicted or threatened to inflict "pain, physical injury, illness, [or] impairment of physical condition" without consent and therefore did not meet his burden to demonstrate domestic abuse by Resop. Petitioner appeals.

On appeal, an appellant—here Petitioner—bears the burden of showing that the circuit court erred. See *Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381. Petitioner fails to identify our standard of review in this case, and in his seven sentence "Argument" section of his brief, he fails to develop any legal arguments to convince us that the circuit court erred. On this basis alone, his appeal fails. See *ABKA Ltd. P'ship v. Board of Rev.*,

231 Wis. 2d 328, 349 n.9, 603 N.W.2d 217 (1999) (“This court will not address undeveloped arguments.”); *Industrial Risk Insurers v. American Eng’g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82 (“[W]e will not abandon our neutrality to develop arguments [for a party].”).

Additionally, Petitioner’s appeal is founded on his complaint that the parties were not “sworn-in” at the hearing on his petition and he did not have an opportunity to cross-examine Resop. These complaints go nowhere as he has forfeited them since he did not raise them before the circuit court. See *Brooks v. Hayes*, 133 Wis. 2d 228, 241, 395 N.W.2d 167 (1986) (“The general rule is that this court will not consider arguments raised for the first time on appeal or review.”). Had Petitioner raised them at the time of the hearing, the court may have proceeded in a way more to his liking; but we will never know, because he did not raise the issues then. He has forfeited these complaints.²

For the foregoing reasons, we affirm.

IT IS ORDERED that the order of the circuit court is summarily affirmed. See WIS. STAT. RULE 809.21.

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

Sheila T. Reiff
Clerk of Court of Appeals

² Petitioner also makes very brief suggestion that he had new evidence to present and that the circuit court may have been biased. Because he does not develop these suggestions into any sort of developed argument, we do not consider them.

