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DISTRICT IV

May 25, 2023

To:

Hon. Jeffrey Kuglitsch
Circuit Court Judge
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

David R. Westrick
Electronic Notice

David J. Jackson
5559 North Sable Dr.
Milton, WI 53563

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

2022AP1288 Town of Milton v. David J. Jackson (L.C. # 2021CV493)

Before Kloppenburg, J.[1]

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).

A jury convicted David Jackson of driving 70 miles per hour where the posted speed limit is 55 miles per hour. On appeal, Jackson, pro se, challenges the authority of the Town of Milton police officer, acting pursuant to an intergovernmental agreement among the Towns of Milton, Lima, and Harmony, to issue Jackson a citation for speeding in the Town of Lima in violation of a Town of Milton ordinance that adopted the state statute indicated on the citation. He also challenges the jurisdiction of the municipal court, in which this action was commenced,

[1] This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(b) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

over this action that he asserts charges him with violation of a state statute. Finally, he challenges the circuit court's decision to amend the citation at trial to correctly identify the state statute that applies to Jackson's alleged violation. Based on my review of the briefs and the record, I conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1). I reject Jackson's challenges and, therefore, affirm the circuit court.

BACKGROUND[2]

In June 2020, a Town of Milton police officer issued Jackson a citation for going 70 miles per hour in the Town of Lima where the posted speed limit is 55 miles per hour. The citation describes the violation as "SPEEDING ON SEMIURBAN HIGHWAY (11-15 MPH)," and identifies the "Ordinance Violated" as Town of Milton Ordinance 346-1 and the "Adopting

[2] Both Jackson and counsel for the Town of Milton violate the Rules of Appellate Procedure in numerous respects. Neither cites to the record in their briefs, and counsel for the Town of Milton cites only to the Town of Milton's appendix. On appeal, a party must include appropriate factual references to the record in its briefing. WIS. STAT. RULE 809.19(1)(d)-(e). The appendix is not the record. ***United Rentals, Inc. v. City of Madison***, 2007 WI App 131, ¶1 n.2, 302 Wis. 2d 245, 733 N.W.2d 322. Both parties compound these errors by failing to identify the record numbers to which the items in their appendices correspond in their appendices' table of contents, contrary to WIS. STAT. RULE 809.19(2)(a). Also, Jackson includes in his appendix documents that are not in the record. An appellate court's review is confined to those parts of the record made available to it. ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992); ***Reznichek v. Grall***, 150 Wis. 2d 752, 754 n.1, 442 N.W.2d 545 (Ct. App. 1989) ("The appendix may not be used to supplement the record[.]").

We remind both parties that this is a high-volume court. ***State v. Bons***, 2007 WI App 124, ¶21, 301 Wis. 2d 227, 731 N.W.2d 367. Compliance with the Rules of Appellate Procedure, particularly those rules regarding accurate record citation, is not optional and is essential to the timely performance of our duties. *See* ***Keplin v. Hardware Mut. Cas. Co.***, 24 Wis. 2d 319, 324, 129 N.W.2d 321 (1964). This court has no duty to scour the record to review arguments unaccompanied by adequate record citation. ***Roy v. St. Lukes Med. Ctr.***, 2007 WI App 218, ¶10 n.1, 305 Wis. 2d 658, 741 N.W.2d 256.

We admonish both parties that future violations of the Rules of Appellate Procedure may result in sanctions. *See* WIS. STAT. RULE 809.83(2).

State Statute" as WIS. STAT. § 346.57(4)(g). Jackson appeared pro se in the proceedings that followed.

Jackson's case proceeded to trial in the municipal court for the Towns of Milton, Lima, and Harmony, which had been created pursuant to an intergovernmental agreement among the three Towns. The municipal court judge found Jackson guilty, and Jackson sought a trial de novo in the circuit court.

In the circuit court, Jackson filed a motion to dismiss the charge for failure to state a claim on which relief can be granted. Jackson asserted in his motion that the "Town of Milton was without authority and jurisdiction to issue an ordinance violation … approximately three miles into the jurisdiction of the Town of Lima." The Town of Milton responded that Jackson was properly issued the citation because the intergovernmental agreement "provides that officers of the Town of Milton Police Department are authorized to patrol within the Towns of Milton, Harmony and Lima, and to issue citations for traffic and road violations." The circuit court held a hearing at the conclusion of which it denied the motion to dismiss.

Jackson filed a motion for reconsideration, arguing that, even under the intergovernmental agreement, the officer lacked authority to issue a citation for violation of a Town of Milton ordinance in the Town of Lima. The circuit court held a hearing at which it amended the grounds for its denial of Jackson's motion to dismiss. The court affirmed its denial of the motion to dismiss on the grounds that the intergovernmental agreement authorizes Town of Milton police officers to enforce traffic and road violations in the Town of Lima; the citation enforces a traffic violation by indicating the provision in the state traffic code that was violated; and, while the Town of Lima has no ordinances regarding traffic violations, the Town of Milton,

through its ordinance, can enforce the state traffic code in the Town of Lima. In response to Jackson's additional argument that he was not provided sufficient notice of the charge against him, the court determined that Jackson had sufficient notice of the charge—that he was going 15 miles per hour above the speed limit—based on the description in the citation of the alleged violation as "SPEEDING ON SEMIURBAN HIGHWAY (11-15 MPH)."

The case proceeded to a jury trial, at which the officer who issued the citation testified. The officer testified that when he issued the citation he was patrolling the Towns of Milton, Lima, and Harmony as a sworn officer in the Town of Milton under the intergovernmental agreement. He testified that the radar he was operating recorded Jackson's vehicle at 72 miles per hour; that he tested the radar before and after he issued the citation and the testing showed that the radar was operating properly; that when he pulled the vehicle over Jackson did not dispute the speeding charge; and that he exercised his discretion in issuing the citation for going 70 miles per hour, instead of 72 miles per hour, in the posted 55 miles per hour zone.

The officer testified that, in using the computer to print out the citation, he must have hit the wrong line on the drop-down box because the citation lists the wrong statute. The officer further testified that WIS. STAT. § 346.57 is the general state statute that governs speeding; that the statute listed on the citation, § 346.57(4)(g), applies to speeding where there is no posted speed limit and the speed limit is stated by statute as 35 miles per hour; that the citation for violation of § 346.57(4)(g) was "an error" and "a typo"; and that the correct statute is § 346.57(5), which applies to speeding where there is a posted speed limit, which here was 55

miles per hour.[3] Jackson objected and the circuit court overruled the objection, stating that "the ticket is clear on its face that it was for 11 to 15 over," and that the discrepancy is a "scrivener's error." The court also explained that the penalties under both statutes are the same. The court corrected the jury instructions and verdict form to refer to § 346.57(5).

In his closing argument, Jackson told the jury that, due to the correction mid-trial to change the statute from WIS. STAT. § 346.57(4)(g) to § 346.57(5), "Based on the evidence here today, I believe you have no other choice but to find me guilty …. I have no defense now." Jackson referenced his entitlement to notice of the charge against him and apologized to the jury "for your time."

The jury found Jackson guilty of violating WIS. STAT. § 346.57(5). Jackson reiterated to the circuit court his arguments that the municipal court lacked jurisdiction to hear a citation charging the violation of a state statute and that the citation did not give him proper notice of the charge. The circuit court entered judgment on the verdict. Jackson appeals.

[3] In his reply brief, Jackson appears to interpret WIS. STAT. § 346.57(4)(g) as prohibiting driving 35 miles per hour over the posted speed limit. However, the statute prohibits driving more than 35 miles per hour in certain areas where there is no posted limit: "FIXED LIMITS … no person shall drive a vehicle at a speed in excess of the following limits unless different limits are indicated by official traffic signs: … (g) Thirty-five miles per hour on any highway in a semiurban district outside the corporate limits of a city or village." WIS. STAT. § 346.57(4)(g).

WISCONSIN STAT. § 346.57(5) applies where there is a posted limit: "ZONED AND POSTED LIMITS. In addition to complying with the speed restrictions imposed by subs. (2) and (3), no person shall drive a vehicle in excess of any speed limit established pursuant to law by state or local authorities and indicated by official signs."

DISCUSSION

I. Police Officer's Authority and Courts' Jurisdiction

Jackson's first two arguments are intertwined and challenge the Town of Milton's police officer's authority to issue the citation and the municipal and circuit courts' jurisdiction over the citation. These arguments raise questions of law, including the interpretation of municipal ordinances and an intergovernmental agreement, which this court reviews de novo. *See* ***Milwaukee Police Ass'n v. Hegerty***, 2005 WI 28, ¶11, 279 Wis. 2d 150, 693 N.W.2d 738 ("Resolution of this inquiry involves interpretation of statute, collective bargaining agreement, and ordinance. Each of these present a question of law subject to independent appellate review."); ***Milwaukee District Council 48 v. Milwaukee Cnty.***, 2019 WI 24, ¶11, 385 Wis. 2d 748, 924 N.W.2d 153 ("the interpretation of an ordinance … is a question of law we review de novo"). "In interpreting municipal ordinances, we apply the same principles used in statutory interpretation." ***Id.***

"[S]tatutory interpretation 'begins with the language of the statute.'" ***State ex rel. Kalal v. Circuit Ct. for Dane Cnty.***, 2004 WI 58, ¶45, 271 Wis. 2d 633, 681 N.W.2d 110 (quoted source omitted). We give statutory language "its common, ordinary, and accepted meaning, except that technical or specially-defined words or phrases are given their technical or special definitional meaning." ***Id.*** Context and structure are also important to meaning. ***Id.***, ¶46. "Therefore, statutory language is interpreted in the context in which it is used; not in isolation but as part of a whole; in relation to the language of surrounding or closely-related statutes; and reasonably, to avoid absurd or unreasonable results." ***Id.***

The intergovernmental agreement between the Towns of Milton, Lima, and Harmony is a contract under WIS. STAT. § 66.0301(2) (providing that "any municipality may contract with other municipalities"). "In interpreting contracts, courts must ascertain the intent of the contracting parties as reflected in the contract language. We discern the intent of contracting parties from the plain and ordinary meaning of the text." ***Milwaukee Police Supervisors Org. v. City of Milwaukee***, 2023 WI 20, ¶16, 406 Wis. 2d 279, 986 N.W.2d 801 (internal citations omitted); *see* ***Town of Neenah Sanitary Dist. No. 2 v. City of Neenah***, 2002 WI App 155, ¶¶3-5, 8-9, 15, 18, 256 Wis. 2d 296, 647 N.W.2d 913 (applying rules of contract interpretation to intergovernmental agreements).

I provide the following additional pertinent background.

The Towns of Milton, Lima, and Harmony created a "Joint Municipal Court" by entering into an "Intergovernmental Joint Agreement Between the Town of Milton, the Town of Harmony and the Town of Lima Concerning a Municipal Court and Law Enforcement" ("IGA") under WIS. STAT. §§ 66.0301(2) and 755.01(4).[4] The Towns signed the IGA in June 2016 and adopted

[4] WISCONSIN STAT. § 755.01(1) states: "There is created and established in and for each city, town and village, a municipal court[.]"

Under WIS. STAT. § 755.01(4), "Two or more cities, towns or villages of this state may enter into an agreement under [WIS. STAT.] s. 66.0301 for the joint exercise of the power granted under sub. (1), except that for purposes of this subsection, any agreement under s. 66.0301 shall be effected by the enactment of identical ordinances by each affected city, town or village." Sec. 755.01(4).

Under WIS. STAT. § 66.0301(2), titled "Intergovernmental cooperation," "any municipality may contract with other municipalities … in this state, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law." Sec. 66.0301(2).

identical ordinances entering into the IGA between June and October 2016. Those ordinances provide that, "The Municipal Court created under this Chapter shall have exclusive jurisdiction of offenses against the ordinances and the Municipal Code of this Town except as otherwise provided under Wisconsin law, and shall exercise such jurisdiction to the fullest extent permitted under Wisconsin law." TOWN OF MILTON, WIS., ORDINANCE § 2016-2 (2016), repealing and recreating § 97.2 of the CODE OF THE TOWN OF MILTON, WIS.; TOWN OF HARMONY, WIS., ORDINANCE No. 060616B (2016), creating ch. 20, § II, of the TOWN OF HARMONY MUNICIPAL CODE, WIS.; TOWN OF LIMA, WIS., ORDINANCE No. 2016-616-1, § II.

Recital C of the IGA states, "The Town[s] of Milton, Harmony and Lima wish to enter into an agreement to create a Joint Municipal Court, and also to coordinate law enforcement efforts related to such a Joint Municipal Court." Recital D of the IGA states, "The Town of Milton has a police department ('the Police Department'), and it is the desire of the Town[s] of Milton, Harmony and Lima that the Police Department provide certain policing services for the benefit of Harmony and Lima."

Section 1 of the IGA creates the joint municipal court for the Towns of Milton, Harmony, and Lima. Section 2 of the IGA provides that officers of the Town of Milton Police Department "are authorized to patrol within the Harmony and Lima and to issue citations for traffic and road violations."

The TOWN OF MILTON, WIS., ORDINANCE § 346-1 referenced in the citation issued to Jackson is titled "Provisions of state law adopted by reference" and provides:

> A. State traffic forfeiture laws adopted. Except as otherwise specifically provided in this chapter, all provisions of Chapters 340 to 348 of the Wisconsin Statutes describing and

> defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this chapter as fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter .... There are also hereby adopted by reference the following sections of the Wisconsin Statutes but the prosecution of such offenses under this chapter shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes and the penalty for violation thereof shall be limited for a forfeiture as provided in § 346-5 of this chapter.

It is undisputed that the Town of Lima has no similar ordinance addressing speeding or adopting state speeding statutes.

Jackson's first argument is that the Town of Milton police officer lacked authority to enforce a Town of Milton ordinance in the Town of Lima. More specifically, Jackson argues that, even if the officer was enforcing the state statute indicated on the citation pursuant to a Town of Milton ordinance, the officer lacked authority to enforce that ordinance in the Town of Lima and the Town of Lima had no similar ordinance addressing speeding or incorporating state speeding statutes. Jackson bases this argument on citations to case law stating that municipal corporations cannot "usually" exercise authority beyond their territorial limits and that towns derive their authority only from the Wisconsin constitution and state statutes. *See, e.g.*, ***Becker v. City of La Crosse***, 99 Wis. 414, 417, 75 N.W. 84 (1898); ***Town of Mt. Pleasant v. Beckwith***, 100 U.S. 514 (1879). Jackson argues that there is no "legislative enactment or authority" allowing the Town of Milton to enforce its ordinances in other jurisdictions.

As stated, each Town has, by identical ordinance, agreed to create a joint municipal court. That court has jurisdiction over actions enforcing municipal ordinances, which under the IGA means the ordinances of the three Towns. The IGA specifically authorizes the Town of Milton Police Department to enforce traffic and road violations in all three Towns. Traffic violations

include violations of the state traffic code set forth in WIS. STAT. ch. 346. *See, e.g.*, ***State v. Popke***, 2009 WI 37, ¶17, 317 Wis. 2d 118, 765 N.W.2d 569 (referring to violations of provisions in WIS. STAT. ch. 346 as "traffic code violation[s]"). The Town of Milton has, by ordinance, adopted the state traffic code. TOWN OF MILTON, WIS., ORDINANCE § 346-1.

The language in the IGA authorizes the Town of Milton Police Department to enforce the Town of Milton ordinance adopting the state traffic code in the Town of Lima by issuing citations for traffic or road violations. Thus, under the language of the IGA, the Town of Milton police officer had authority to issue Jackson a citation for speeding in the Town of Lima pursuant to a Town of Milton ordinance adopting the state traffic code. Also under the language of the IGA, the joint municipal court had jurisdiction over the action enforcing that ordinance adopting the state traffic code.

To endorse Jackson's argument to the contrary would be to subvert the expressly stated purposes for the IGA—to not only create the joint municipal court, but "also to coordinate law enforcement efforts related to such a Joint Municipal Court" and to have the Town of Milton Police Department "provide certain policing services for the benefit of Harmony and Lima." The focus of the coordination purpose is, necessarily, on coordinating law enforcement of the Towns' ordinances, because, as Jackson acknowledges, a municipal court has exclusive jurisdiction over forfeiture actions for violation of ordinances. *See* WIS. STAT. § 755.045(1) ("A municipal court has exclusive jurisdiction over an action in which a municipality seeks to impose forfeitures for violations of municipal ordinances of the municipality that operates the court[.]"). The focus of the provision of services purpose is on securing police services by the Town of Milton Police Department in the Towns of Harmony and Lima. This dual focus on coordinating law enforcement efforts and serving the law enforcement needs of the Towns of Harmony and

Lima would be subverted or nullified if the IGA were interpreted to preclude the Town of Milton Police Department from providing in the Town of Lima the very specific "policing service"—"to issue citations for traffic and road violations"—identified in the IGA.

Accordingly, I conclude that the officer acted pursuant to the authority in the IGA providing that Town of Milton police officers may issue citations "for traffic and road violations" that occur in the Town of Lima. The case law that Jackson cites to support his argument to the contrary does not address the situation here, where three Towns have, pursuant to state statute, agreed to delegate to the Town of Milton Police Department the authority to enforce traffic and road violations within their respective boundaries.

Jackson's second argument is that the circuit court lacked jurisdiction to hear the case because it involved the violation of a state statute and the municipal court lacked jurisdiction to hear such a case. This argument is refuted by the face of the citation and the IGA.

As explained above, the Town of Milton police officer acted pursuant to authority provided by the IGA to issue a citation for a traffic or road violation per Town of Milton Ordinance § 346-1, which adopted the state traffic code. Thus, the ensuing proceedings were held in the municipal court pursuant to: (1) the ordinances enacted by the three Towns authorizing their entering into the IGA to create a municipal court that would exercise its jurisdiction over all of their ordinances "to the fullest extent permitted under Wisconsin law"; (2) the provision in the IGA authorizing the Town of Milton Police Department "to issue citations for traffic and road violations"; and (3) the Town of Milton ordinance referenced on the citation that adopted the state traffic code. The case was then properly appealed to the circuit

court pursuant to WIS. STAT. § 800.14. In sum, Jackson fails to show that the municipal court or the circuit court lacked jurisdiction over this action involving a citation for a traffic violation.[5]

II. Notice of Charge

Third, Jackson argues that the circuit court erred in concluding that Jackson was not deprived of proper notice of the charge against him when: (1) the citation did not clearly state that the charge was for violation of a state statute; and (2) the applicable state statute was changed in the midst of the jury trial from WIS. STAT. § 346.57(4)(g) to § 346.57(5). Jackson argues that the allegation in the citation that he was speeding 11 to 15 miles per hour over the speed limit does not satisfy the requirement in WIS. STAT. § 800.02(2)(ag)3. that the citation state the violation charged, and that the circuit court lacked the authority to amend the charge on appeal from the municipal court. Jackson further argues that "[t]he issue on appeal from the municipal court is limited to a new trial on the violation the defendant was found guilty of in the municipal court."

The first basis for Jackson's argument is refuted by the face of the citation. Under the statute cited by Jackson, the citation "shall contain substantially the following information: …. 3. The violation alleged, the time and place of the occurrence of the violation, a statement that the defendant committed the violation, the ordinance violated, and a description of the violation in language that can be readily understood." WIS. STAT. § 800.02(2)(ag)3. Here directly below

[5] In his reply brief, Jackson makes an additional argument, that the Town of Milton could not bring this action in its name because the violation occurred in the Town of Lima; therefore, the action should have been brought in the name of the Town of Lima. I do not address this argument further because it is raised for the first time in the reply brief. *See* ***A.O. Smith Corp. v. Allstate Ins. Cos.***, 222 Wis. 2d 475, 492, 588 N.W.2d 285 (Ct. App. 1998) (stating that this court generally does not address arguments raised for the first time in a reply brief).

the correct reference to the ordinance violated, the citation describes the violation as "SPEEDING ON SEMIURBAN HIGHWAY (11-15 MPH)," and directly below that description the citation notes the "actual speed" as "70," the "legal [speed]" as "55," and "over" as "15." Thus, the citation does not incorrectly charge Jackson with violation of a statute; rather the citation charges Jackson with violation of the ordinance adopting the statute. In addition, despite the incorrect reference to the applicable statute, by stating the ordinance allegedly violated and the details of the violation charged, the citation provides "substantially" the information necessary to apprise Jackson of the alleged violation, as required by § 800.02(2)(ag)3.

The second basis for Jackson's argument is refuted by the record at trial. If a party objects to the presentation of evidence as being outside the issues pleaded, "the [circuit] court may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be subserved thereby and the objecting party fails to satisfy the court that the admission of such evidence would prejudice such party in maintaining the action or defense upon the merits." WIS. STAT. § 802.09(2). A circuit court may amend the pleadings on its own motion, and appellate courts have allowed circuit courts to amend the pleadings "if the opposing party is not prejudiced by the amendment." ***Schultz v. Trascher***, 2002 WI App 4, ¶14, 249 Wis. 2d 722, 640 N.W.2d 130. This court reviews such an action under the erroneous exercise of discretion standard of review. ***Id.*** A court properly exercises its discretion when it examines the relevant facts, applies a proper standard of law, and, using a rational process, reaches a conclusion that a reasonable judge could reach. ***Loy v. Bunderson***, 107 Wis. 2d 400, 414-15, 320 N.W.2d 175 (1982).

This rule is well established. As our supreme stated in ***Wipfli v. Martin***, 34 Wis. 2d 169, 173-175, 148 N.W.2d 674 (1967) (quoted source omitted):

> It is well settled that, when a [circuit] court keeps within the limitations imposed by the statute as to allowing amendments, the power is very broad, resting in sound discretion, and the decision will not be disturbed except for a clear abuse of judicial power.
>
> ....
>
> Conversely, … where the [circuit] court refused to allow the amendment, it is stated:
>
> When it appears that an omission in any proceeding is material, or that proceedings taken by a party so fail to conform to provisions of law as to be fatal to rights which might otherwise be protected, and that such omission or failure is through mistake, inadvertence, surprise, or excusable neglect, it is abuse of discretion to refuse to supply such omission, and permit amendment of the proceedings so as to remove the technical obstacles to a litigation of the merits of the controversy.

As stated, Jackson was issued a citation under the IGA alleging the violation of the Town of Milton ordinance adopting WIS. STAT. § 346.57(4)(g). The circuit court amended the statutory reference to § 346.57(5) based on the testimony of the officer and the court's determination that the description in the citation of the violation provided Jackson with sufficient notice of the charge against him.

Jackson did not dispute at trial and does not dispute on appeal that the citation alleged, and the evidence at trial established, that he was driving 15 miles per hour over the posted 55 miles per hour speed limit. Jackson does dispute whether he was prejudiced by the amendment to reference the statute that applies to that violation, in that he expended significant resources in litigating the case that he would not have expended had he been charged under the proper statute from the start. However, the test of prejudice is whether the opposing party has an opportunity

to defend against the amended claim, not whether the party is substantively harmed. ***State v. Peterson***, 104 Wis. 2d 616, 635, 312 N.W.2d 784 (1981). Here, throughout the proceedings in the municipal and circuit courts, Jackson's only defense was the legal defense that the police officer lacked authority to issue the citation and the municipal and circuit courts lacked jurisdiction over the action to enforce the citation. As the background summarized above shows, Jackson had ample opportunity, and repeatedly availed himself of that opportunity, to raise that defense regardless of the incorrect statutory reference. Thus, Jackson cannot show prejudice within the meaning of the statute on these facts.

Accordingly, I conclude that Jackson fails to show that the circuit court erroneously exercised its discretion in amending the pleadings to state the correct statute that applies to Jackson's alleged violation. Thus, the circuit court acted within its authority under WIS. STAT. § 802.09(2) to amend the citation on appeal from the municipal court. Moreover, precisely because the citation contains the description of the violation and related information detailed above, Jackson fails to show that the citation does not satisfy the requirement in § 800.02(2)(ag)3. that the citation state the violation charged, or that he was tried in the circuit court on a violation different from the violation of which he was found guilty in the municipal court.[6]

[6] Jackson in his reply brief asks that this court impose sanctions on the Town of Milton for bringing this action. I do not consider this request further because I affirm the judgment; also, Jackson's request is not made by separate motion as required under WIS. STAT. §§ 809.25(3) and 895.044(2).

Therefore,

IT IS ORDERED that the circuit court's judgment 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