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**DISTRICT I**

November 7, 2023

To:

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Boscobel, WI 53805-1000

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

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2022AP1951

Willie Lee Jones v. CSCS Real Estate LLC (L.C. # 2020SC1294)

Before Donald, P.J.<sup>1</sup>

**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).**

Willie Lee Jones, *pro se*, appeals an order of the circuit court denying in part his request for the return of a security deposit. Based on our review of the briefs and record, we conclude

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

that this case is appropriate for summary disposition. WIS. STAT. RULE 809.21. Upon review, we affirm.

Relevant to this appeal, on January 14, 2020, Jones filed a small claim action. Jones, a former tenant of a property owned by CSCS Real Estate, LLC (CSCS), and managed by MPI Property Management, LLC (MPI), alleged that his \$855 security deposit was wrongfully withheld.

A trial to the court took place on August 30, 2022 and September 2, 2022. Based on “the pleadings, the exhibits filed by all parties and other supporting documentation, along with the testimony of witnesses and [Jones],” the circuit court issued a written order. The order stated that the court would “only rule on [Jones’] original complaint pertaining to [the] failure to properly return his security deposit.” The order found in pertinent part that: (1) Jones had a security deposit of \$855 that was withheld; (2) deducting \$110.32 for rent was a valid deduction; (3) deducting \$287.68 for a water bill was a valid deduction; (4) the charge for a Haul Away/Tow Vehicle in the amount of \$175 was a valid deduction; and (5) the deduction for the Eviction Charge of \$295 was not a valid deduction and Jones was entitled to double the wrongfully withheld amount of \$295 to \$590 under WIS. STAT. § 100.20(5). Thus, the court found that Jones was entitled to a judgment in the amount of \$590 from CSCS and MPI, jointly and severally.

Jones appealed.<sup>2</sup> Jones’ initial statement on transcript indicated that he had made arrangements with the court reporters for the filing and service of several transcripts, including

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<sup>2</sup> We note that CSCS and MPI did not file a cross-appeal challenging the judgment in favor of Jones for \$590.

the court trial transcripts. Subsequently, Jones filed two statements on transcript indicating that transcripts were not necessary for prosecution of the appeal. As a result, the record does not contain any transcripts.

As best as we can discern, on appeal, Jones' arguments include that the circuit court's decision to award him only \$590 in damages was erroneous, that he is entitled to damages for civil theft under WIS. STAT. §§ 895.446 and 943.20, that he is entitled to an award of double costs or additional interest, the circuit court erred by dismissing a defendant at a hearing in which Jones did not participate, and he was deprived of his right to cross-examine witnesses.

As stated above, the record does not contain any transcripts. It was Jones' responsibility to ensure that the appellate record is complete. See *Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26, 496 N.W.2d 266 (Ct. App. 1993). When an appellate record is incomplete, this court must assume that the missing material supports the circuit court's ruling. *Id.* at 26-27. Additionally, this court does not consider unsupported arguments. See *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992). Accordingly, in the absence of any transcripts, we affirm the circuit court's decision.<sup>3</sup>

Therefore,

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<sup>3</sup> After the completion of briefing, Jones filed a motion requesting that this court impose costs against CSCS's and MPI's attorneys pursuant to WIS. STAT. § 895.044. Jones contends that "the action, defense, or appeal was used, or continued in bad faith" and "without any reasonable basis in law" and could not be supported by a good faith argument for an extension, modification, or reversal of existing law. However, given that we affirm the circuit court's order on appeal and thus Jones does not prevail, we reject Jones' argument that he is entitled to any costs and fees. See WIS. STAT. § 895.044(5) (allowing this court to remand an action to the circuit court to award damages to compensate "the successful party").

IT IS ORDERED that the order is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*