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DISTRICT II

July 17, 2024

To:

Hon. Ryan J. Hetzel
Circuit Court Judge
Electronic Notice

Sarah Adjemian
Clerk of Circuit Court
Washington County Courthouse
Electronic Notice

Phil J. Dahlberg IV
Electronic Notice

Shannon D. McDonald
Electronic Notice

Renee Cera
Electronic Notice

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

2023AP1468 Renee Cera v. Timothy Holtz, Sr. (L.C. #2020CV152)

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

Renee Cera, pro se, appeals from a judgment entered after a jury trial in her action against Timothy Holtz, Sr., Barbara Holtz, and Pizza Station. Cera contends that she is entitled to a new trial. 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] We affirm.

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

Cera and her salon boutique filed a complaint in 2020 against the Holtzes and their business, Pizza Station, alleging intentional interference with contractual relationship, tortious interference with business relations, tortious interference with prospective business relations, and defamation. Cera's boutique was in the same strip mall as Pizza Station. The complaint sets forth disparaging statements allegedly made by Timothy about Cera and her business to individuals in the salon and parking lot.

At some point, Cera was incarcerated, and the trial was delayed until December 2022. Shortly before the trial was to begin, the Holtzes reported to the trial court that Cera posted an image on social media displaying a gun and ammunition, which they construed as intimidating. They sought a hearing and dismissal of the case. The court held two hearings attended by Cera's attorney. The court confirmed that Cera was on probation and that a warrant had been issued for her arrest because of the post. After conferring with court security, the court determined that the trial would go forward. The court further advised that Cera would be taken into custody if she appeared for trial and would have to wear a stun belt at trial.

Cera participated in the trial and was represented by counsel. In a Special Verdict, the jury found that Timothy said that Renee Cera was a whore and that a customer of her boutique contracted crabs, and that Timothy acted with express malice. However, the jury did not award any compensatory damages or punitive damages. The trial court thus ordered that judgment be entered in favor of Cera for $0.00. Cera seeks a new trial on appeal, arguing that she received an unfair trial.

Although her complaints of an unfair trial are difficult to construe, Cera's primary complaint appears to be that the trial went forward after the Holtzes alerted the trial court to the

social media post and she was placed in custody. However, Cera's failure to object before the trial began forfeited any challenge on appeal to the court's determination that the trial would proceed. *See* ***Vollmer v. Luety***, 156 Wis. 2d 1, 10, 456 N.W.2d 797 (1990) (stating that forfeiture applies to an alleged error for which no objection is raised and preserved in the trial court); ***State v. Caban***, 210 Wis. 2d 597, 604, 563 N.W.2d 501 (1997). Requiring that issues be raised and argued in the trial court

> serves several important objectives. Raising issues at the trial court level allows the trial court to correct or avoid the alleged error in the first place, eliminating the need for appeal. It also gives both parties and the trial judge notice of the issue and a fair opportunity to address the objection. Furthermore, the waiver rule encourages attorneys to diligently prepare for and conduct trials. Finally, the rule prevents attorneys from "sandbagging" errors, or failing to object to an error for strategic reasons and later claiming that the error is grounds for reversal.

State v. Huebner, 2000 WI 59, ¶12, 235 Wis. 2d 486, 611 N.W.2d 727) (citations omitted). We see no basis to consider this forfeited issue.

Cera further complains that she had a stun belt strapped to her waist during the trial that was visible to the jury, and that she could not effectively communicate with her lawyer. However, Cera has failed to file a transcript of the trial. Again, she fails to point to any objection made during the course of the trial. Moreover, her complaints about the events during trial and her arguments regarding the merits of her claims are wholly unsupported without a trial transcript or citation to any other evidence in the record. It was Cera's responsibility to provide this court with an adequate record from which to address the issues she seeks to raise on appeal. *See* ***State v. Smith***, 55 Wis. 2d 451, 459, 198 N.W.2d 588 (1972). "[W]e are bound by the record as it comes to us." ***Hauer v. Union State Bank of Wautoma***, 192 Wis. 2d 576, 602, 532 N.W.2d 456 (Ct. App. 1995); *see also* ***Fiumefreddo v. McLean***, 174 Wis. 2d 10, 26, 496

N.W.2d 226 (Ct. App. 1993); ***Eberhardy v. Circuit Ct. for Wood Cnty.***, 102 Wis. 2d 539, 571, 307 N.W.2d 881 (1981). Because Cera has failed to show that she preserved the issues about which she now complains or to provide any factual support for her complaints, she cannot claim error.[2] We reject Cera's challenges on appeal.

Therefore,

IT IS ORDERED that the judgment 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.

Samuel A. Christensen
Clerk of Court of Appeals

[2] Cera's briefs also fail to develop any legal arguments to convince of us of error in the trial court proceeding. "We will not address undeveloped arguments." *See* ***Clean Wis., Inc. v. PSC***, 2005 WI 93, ¶180 n.40, 282 Wis. 2d 250, 700 N.W.2d 768. On this basis alone, her 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.).