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**DISTRICT II**

December 23, 2025

To:

Hon. Samantha R. Bastil  
Circuit Court Judge  
Electronic Notice

Abigail Potts  
Electronic Notice

Chris Koenig  
Clerk of Circuit Court  
Sheboygan County Courthouse  
Electronic Notice

Aaron J. Ebensperger, #445371  
Jackson Correctional Inst.  
P.O. Box 233  
Black River Falls, WI 54615-0233

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

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2024AP2063-CR

State of Wisconsin v. Aaron J. Ebensperger (L.C. #2015CF641)

Before Gundrum, Grogan, 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).**

Aaron J. Ebensperger appeals from a circuit court order denying his motion for sentence modification. 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 (2023-24).<sup>1</sup> For the following reasons, we affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

## BACKGROUND

On August 6, 2018, the circuit court sentenced Ebensperger to three years probation and ordered him to pay restitution. He did not pay all of the restitution due, and on May 1, 2021, the Department of Corrections (DOC) issued a Notice of Court Ordered Financial Obligations Status, indicating that restitution remained due. On May 26, 2021, Ebensperger signed a Petition and Stipulation to Waive Appearance and Hearing stipulating that he had “**not** made a good faith effort to pay” restitution and asking the court to extend his probation for 18 months. On June 16, 2021, the court entered an order extending Ebensperger’s probation 18 months to February 6, 2023.

On November 30, 2021, the DOC recommended the revocation of Ebensperger’s probation after he allegedly violated his rules of supervision multiple times. Based on that recommendation, the Division of Hearings and Appeals revoked Ebensperger’s probation, and on February 9, 2023, the circuit court sentenced Ebensperger to time served plus two years of extended supervision. On August 22, 2024, Ebensperger filed a motion for sentence modification, arguing that the court’s June 16, 2021 order illegally extended his probation.

## DISCUSSION

On appeal, Ebensperger contends his probation was not lawfully extended by the circuit court’s June 16, 2021 order because the DOC did not notify the court “of the status of the ordered restitution payments unpaid at least 90 days before the probation expiration date,” as required by WIS. STAT. § 973.09(3)(b). Because his probation was not lawfully extended, he further contends, he was no longer on probation when the DOC moved to revoke his probation

on November 30, 2021, and therefore, his February 9, 2023 judgment of conviction should be vacated.

As the appellant, Ebensperger bears the burden of demonstrating that the circuit court erred. *See Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381. Due to significant deficiencies in his appellate advocacy and briefing, he fails to meet his burden.

Ebensperger’s brief fails to comply with several requirements of the Wisconsin Rules of Appellate Procedure, and although he is representing himself in this appeal, his brief must still comply with these requirements. *See Waushara County v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992) (“The right to self-representation is ‘[not] a license not to comply with relevant rules of procedural ... law.’” (alteration in original; citation omitted)). To begin, none of the facts represented throughout his brief-in-chief are supported by citations to the record, as required by WIS. STAT. RULE 809.19(1)(d)-(e).5. *See also Madely v. RadioShack Corp.*, 2007 WI App 244, ¶14 n.7, 306 Wis. 2d 312, 742 N.W.2d 559 (stating that “we have no duty to scour the record to review arguments unaccompanied by adequate record citations”). And, while he cites to WIS. STAT. § 973.09(3), he fails to develop any legal argument to support his claims of error by the circuit court. “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; *see also State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (an appellate court may decline to review issues that are insufficiently briefed or unsupported by legal authority). It is not our responsibility to develop arguments for a party, “and we will not abandon our neutrality” to do so for Ebensperger. *See Industrial Risk Insurers v. American Eng’g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82; *Doe 1 v. Madison Metro. Sch. Dist.*, 2022 WI 65, ¶35, 403 Wis. 2d 369, 976 N.W.2d 584 (stating that appellate courts “do not step out of

[their] neutral role to develop or construct arguments for parties” (citation omitted)). Without developing any arguments to show that the circuit court erred, Ebensperger cannot meet his burden as the appellant.

Moreover, Ebensperger develops no argument to show that, as the State says, “even if the Department had not complied with [WIS. STAT. §] 973.09(3)(b), ... the Department’s noncompliance would deprive the [circuit] court of the authority to extend the probation period.” The State directs Ebensperger and us to § 973.09(3)(a), which provides: “Prior to the expiration of any probation period, the court, for cause and by order, may extend probation for a stated period or modify the terms and conditions thereof,” adding that this subsection “gives the court the authority to extend probation anytime” and “there is nothing to suggest that the Department’s compliance with subsection (b) has any effect on the court’s authority granted in subsection (a).” In his reply brief, Ebensperger fails to respond, conceding the State’s argument on this point. *See Charolais Breeding Ranches, Ltd. v. FPC Sec. Corp.*, 90 Wis. 2d 97, 109, 279 N.W.2d 493 (Ct. App. 1979) (unrefuted arguments may be deemed conceded).

Furthermore, it appears Ebensperger’s motion for sentence modification was based on an error of fact. Ebensperger asserted the DOC did not comply with WIS. STAT. § 973.09(3)(b) because it did not notify the circuit court of the unpaid ordered restitution until the date it filed the Petition and Stipulation to Waive Appearance and Hearing on May 27, 2021, 72 days before his probation expired. Ebensperger failed to acknowledge that on May 3, 2021, more than 90 days prior to the expiration of his probation, the DOC filed with the court a Notice of Court Ordered Financial Obligations Status indicating that restitution remained due, satisfying § 973.09(3)(b).

Therefore,

IT IS ORDERED that the order of the circuit court is summarily affirmed pursuant to  
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*