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**DISTRICT IV**

April 30, 2026

To:

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Clerk of Circuit Court  
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David A. Riley  
Electronic Notice

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

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2025AP1172

Adrian Michael Kaszuba v. David A. Riley (L.C. # 2025FA214)

Before Blanchard, Kloppenburg, and Taylor, 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).**

David Riley, pro se, appeals a judgment of annulment of a marriage between him and Adrian Kaszuba. Based on 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> We affirm.

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

Kaszuba is the adult son of Michael Kaszuba and Shannon Kaszuba.<sup>2</sup> In 2022, when Kaszuba was 20 years old, the circuit court appointed Michael and Shannon as co-guardians of Kaszuba on the basis of his incompetency. The guardianship order provides that Kaszuba may only marry with the consent of a guardian. The order also fully transfers, from Kaszuba to his appointed guardians, the right to act as an advocate for Kaszuba in all proceedings. In December 2024, Kaszuba entered into a marriage with appellant David A. Riley.<sup>3</sup> In February 2025, the guardians, acting on Kaszuba's behalf, petitioned the circuit court for a judgment of annulment of the marriage, asserting that Kaszuba and Riley had married without the consent of a guardian in contravention of the 2022 guardianship order.

After a hearing on the petition, the circuit court granted a judgment of annulment. The court determined that it had jurisdiction to address and rule on the petition, that Kaszuba was a "vulnerable adult" under a guardianship, and that Michael and Susan were Kaszuba's guardians. The court also ruled that Kaszuba's guardianship removed his right to consent to marriage without the consent of a guardian, and the court made a finding that neither guardian had consented to the marriage. Accordingly, because Kaszuba did not have the capacity to consent

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<sup>2</sup> For clarity and ease of reference, we refer to Michael Kaszuba and Shannon Kaszuba by their first names, or collectively as "guardians."

<sup>3</sup> The petition for annulment listed the date of the marriage as December 15, 2025; at the annulment hearing, Michael clarified that "2025" was a mistake, and that the date of the marriage was December 15, 2024.

to enter into the marriage, the court determined that Riley and Kaszuba’s marriage was invalid under WIS. STAT. § 767.313.<sup>4</sup> Riley appeals the court’s judgment of annulment.

Riley first argues that the circuit court lacked subject matter jurisdiction over the petition for annulment. In support of his argument, Riley asserts that there is a statutory requirement that at least one party to an annulment action be domiciled in Wisconsin, and that neither he nor Kaszuba were domiciled in Wisconsin at the time of the annulment proceedings. Citing *Linda L. v. Collis*, 2006 WI App 105, ¶56, 294 Wis. 2d 637, 718 N.W.2d 205, the guardians argue that Riley was “subject to a valid guardianship such that his domicile was, by default, that of the state and the county in which the guardianship was imposed—i.e., Dane County, Wisconsin.” Riley fails to respond to the guardians’ argument in his reply brief. Accordingly, we deem Riley to have conceded the proposition that an individual subject to a valid guardianship is domiciled in the county and state in which the guardianship is imposed. *See United Co-op. v. Frontier FS Co-op*, 2007 WI App 197, ¶39, 304 Wis. 2d 750, 738 N.W.2d 578 (failure to refute a proposition asserted in a response brief may be taken as a concession).

Riley also argues that “[t]he annulment judgment is void because it relied on a guardianship order that was fraudulently and improperly obtained.” However, this argument is inconsistent with Riley’s position before the circuit court. During the annulment hearing, the court told Riley that none of his assertions about Kaszuba were relevant “if there isn’t some way

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<sup>4</sup> WISCONSIN STAT. § 767.313 (1)(a) states that a court may annul a marriage on the ground that “[a] party lacked capacity to consent to the marriage at the time the marriage was solemnized ... because of mental incapacity or infirmity .... Suit may be brought by either party, or by the legal representative of a party lacking the capacity to consent[.]”

to dispute whether or not there's a guardianship in place that basically dictates [Kaszuba]'s capacity to be able to make decisions on his own behalf, including marriage.” Riley responded:

I'd like to say on that note I do not refute that.... If it's necessary that this marriage is annulled, then I will submit to the Court, and I will understand based on ... the guardianship paperwork.

... I was misled in some regards because I was not aware [that the guardianship order states that Kaszuba may only marry with the consent of his guardian].

... I understand that I have no argument against that. I've been ... asking for the blessings from the guardians, and I've gotten blatant disregard from them.

In other words, in the circuit court proceedings, Riley did not argue that the guardianship order was fraudulent or improper; he raises it for the first time on appeal. A party who raises an issue on appeal “bears the burden of showing that the issue was raised before the circuit court.” *State v. Huebner*, 2000 WI 59, ¶10, 235 Wis. 2d 486, 611 N.W.2d 727. Riley fails to include record cites demonstrating that these arguments were raised in the circuit court. We may decline to consider arguments that lack proper citation to the record, and we do so here. *See State v. McMorris*, 2007 WI App 231, ¶30, 306 Wis. 2d 79, 742 N.W.2d 322 (This court “may choose not to consider ... arguments that lack proper citations to the record.”).

Further, “[i]t is a fundamental principle of appellate review that issues must be preserved at the circuit court. Issues that are not preserved at the circuit court, even alleged constitutional errors, generally will not be considered on appeal.” *Huebner*, 235 Wis. 2d 486, ¶10. In other words, a party generally forfeits an issue for purposes of appeal if the party does not preserve the issue in the circuit court. *Id.* Riley provides no sufficient reason for us to not apply the

forfeiture rule here. We reject numerous other arguments raised by Riley for the first time on appeal on the same grounds.<sup>5</sup>

Riley also argues that this state’s “guardianship statutes do not list marriage as a right that can be withheld by a guardian.” Riley’s argument raises questions of statutory interpretation, which we review de novo. *State v. Stewart*, 2018 WI App 41, ¶18, 383 Wis. 2d 546, 916 N.W.2d 188. Riley’s argument is clearly without merit because WIS. STAT. § 54.25(2)(c)a. specifically states that a “court may ... declare that the individual has incapacity to exercise ... the right to consent to marriage.”

Riley also asserts that the annulment was granted as a result of “fraud on the court.” Although Riley cites to documents in his appellate appendix that he contends support this argument, the documents to which he cites are not part of the circuit court record. Accordingly, Riley has failed to develop this argument with proper citation to the record. See *Reznichuk v. Grall*, 150 Wis. 2d 752, 754 n.1, 442 N.W.2d 545 (Ct. App. 1989) (a party may not use the appendix to supplement the appellate record).

Riley also asserts that the annulment of the marriage violates this state’s “public policy favoring marriage stability.” But Riley fails to cite to legal authority supporting his assertion. Accordingly, we do not further consider this argument. See *State v. Pettit*, 171 Wis. 2d 627,

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<sup>5</sup> Riley raises the following constitutional arguments for the first time on appeal: (1) Riley’s due process right was violated because he was incarcerated when served with the notice of the annulment action; (2) the annulment constitutes unequal treatment based on his and Kaszuba’s sexual orientation; (3) the guardians regarded Riley as a “religious lunatic[]” and the circuit court’s “tolerance of such statements” constituted religious discrimination; (4) Kaszuba has a constitutional right to family integrity; and (5) Kaszuba was denied due process because he “was excluded from meaningful participation” in the annulment proceedings.

646-47, 492 N.W.2d 633 (Ct. App. 1992) (this court may decline to address arguments that are undeveloped and are not supported by references to legal authority).

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.

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