

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 30, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2025AP2412
STATE OF WISCONSIN

Cir. Ct. No. 2024CV1056

**IN COURT OF APPEALS
DISTRICT II**

JOSHUA R. TECHLIN,

PETITIONER-APPELLANT,

V.

NICKI R. BUTZLAFF,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for Winnebago County:
BRYAN D. KEBERLEIN, Judge. *Affirmed.*

¶1 LAZAR, P.J.¹ Joshua R. Techlin appeals from a circuit court order denying his motion for de novo review. In November 2024, Techlin obtained an order of protection against Nicki R. Butzlaff for harassment under WIS. STAT.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(h) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

§ 813.125, effective until November 25, 2028. In August 2025, Techlin filed a motion for contempt and request for hearing, alleging violation of the injunction. At an October 23, 2025 hearing, according to Techlin and the court record,² the court commissioner “declined to hear the merits of the motion. The [c]ommissioner denied the motion based on her determination that she lacked the legal authority and jurisdiction to enforce a harassment injunction through a civil contempt proceeding, concluding that the Petitioner’s sole remedy was to pursue criminal charges.”³

¶2 Thereafter, Techlin filed a motion for de novo review, pursuant to WIS. STAT. § 757.69(8). The circuit court denied de novo review, citing to **State v. Sveum**, 2002 WI App 105, 254 Wis. 2d 868, 648 N.W.2d 496, and stating, “That the motion for de novo [review] by Mr. Techlin is denied as it lacks legal merit.” Techlin appeals.

¶3 Techlin claims: (1) that the circuit court erred by not granting him de novo review; (2) that “the commissioner’s refusal to grant relief was a reviewable decision subject to mandatory de novo review” (formatting altered); (3) that the denial of de novo review violated his due process rights; and (4) that the court erred by relying on **Sveum** rather than WIS. STAT. § 785.01(1)(b).⁴

² The hearing was not recorded, according to the circuit court record, and “no transcripts are available as no audio is available to transcribe.”

³ We note that the motion was declined in a written order that stated, “Order to Show Cause is not supported by Affidavit or Declaration. No statement upon which relief can be granted.” This declination is dated October 15, 2025.

⁴ That statute defines “[c]ontempt of court[,]” in part, as “intentional ... (d)isobedience ... of the ... order of a court.” WIS. STAT. § 785.01(1)(b).

¶4 This court begins with Techlin’s argument concerning **Sveum**. Although the circuit court commissioner’s October 23, 2025 oral decision arose in an action involving a WIS. STAT. § 813.125 injunction, it did not concern the issuance or denial of the injunction. Rather, the commissioner declined to adjudicate Techlin’s motion alleging a violation of the injunction through civil contempt, concluding Techlin’s remedy would be through law enforcement and criminal prosecution. See **Sveum**, 254 Wis. 2d 868, ¶¶13-17.

¶5 Techlin argues that WIS. STAT. § 785.01(1)(b) permits him to pursue contempt because the alleged violation constituted disobedience of a circuit court order. But **Sveum** considered and rejected that argument. There, we recognized that “although the legislature could have provided that violations of harassment injunctions should be treated as contempt of court[,]” it instead enacted a specific penalty provision for violations of WIS. STAT. § 813.125 injunctions. **Sveum**, 254 Wis. 2d 868, ¶15. We further explained that “the fact that both contempt of court and the violation of a harassment injunction may involve the violation of a court-issued order is not dispositive.” **Id.**, ¶16. We therefore “conclude[d] that the legislature intended violations of harassment injunctions to be prosecuted as crimes.” **Id.**, ¶17. Accordingly, the circuit court did not err by relying on **Sveum** in addressing Techlin’s contempt claim.

¶6 Techlin’s claim that he was entitled to a de novo hearing under WIS. STAT. § 757.69(8) is considered next. The circuit court commissioner conducted a hearing on October 23, 2025, but she did not adjudicate whether Butzlaff had violated the harassment injunction. Instead, she determined that enforcement of the injunction through civil contempt was unavailable as a matter of law and declined to proceed to the merits of the alleged violation.

¶7 This court concludes that that legal conclusion is correct. As discussed above, **Sveum** holds that violations of harassment injunctions issued under WIS. STAT. § 813.125 are to be prosecuted as crimes rather than treated as contempt of court. **Sveum**, 254 Wis. 2d 868, ¶¶13-17. Thus, although Techlin characterizes the alleged violation as disobedience of a circuit court order within the meaning of WIS. STAT. § 785.01(1)(b), **Sveum** expressly rejected the proposition that the availability of contempt follows merely because a harassment injunction is a court order. See **Sveum**, 254 Wis. 2d 868, ¶¶15-17. Because Techlin seeks to enforce the harassment injunction through civil contempt, the relief he seeks is unavailable as a matter of law.

¶8 Therefore, the circuit court's denial of the petitioner's motion for a de novo hearing is affirmed.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

