



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov

DISTRICT III

October 6, 2026

To:

Hon. Douglas James Hoffer
Circuit Court Judge
Electronic Notice

Brian Anthony Braziel
Electronic Notice

Cherie Norberg
Clerk of Circuit Court
Eau Claire County Courthouse
Electronic Notice

Jeff Scott Olson
Electronic Notice

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

2025AP48

Raymond F. Sheggeby v. City of Augusta (L. C. No. 2024CV144)

Before Hruz, J.¹

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).

Raymond F. Sheggeby appeals the circuit court's order finding him guilty of violating three municipal ordinances. Sheggeby argues that the court erred by denying both his motion to dismiss the underlying citations and his motion to reconsider that denial because the complaint did not contain a "description of the violation in language that can be readily understood," as

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

required by WIS. STAT. § 800.02(2)(ag)3.² Based upon our review of the briefs and record, we conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. We summarily affirm.

On July 17, 2023, Sheggeby cursed at a neighbor's wife during an altercation with his next-door neighbor. When the neighbor confronted Sheggeby, Sheggeby argued with a loud voice, spat at the neighbor, used profane language, and threatened the neighbor. Officer Brennen Stensen-Veenendall of the Augusta Police Department, who investigated the incident, issued Sheggeby citations for disorderly conduct, indecent conduct or language, and harassment—threats of physical harm or intimidation, in violation of City of Augusta Ordinances 12.02(1), 12.03(2), and 12.02(7), respectively.

In municipal court, Sheggeby moved to dismiss the citations based on the complaint failing to describe the conduct that violated the ordinances. After his motion was denied, Sheggeby sought de novo review in the circuit court. There, Sheggeby argued that WIS. STAT. § 800.02(2)(ag)3. requires a citation or complaint in a municipal ordinance prosecution to contain “a description of the violation in language that can be readily understood.” He claimed that the citations here did not comply with that requirement because, on each citation, the section specified for entry of the “Violation Description” had been left blank. The court denied the motion, stating that the citations had substantially complied with § 800.02(2)(ag)3. Sheggeby then filed a motion to reconsider, which the court denied after a hearing.

² The City notes that “the Honorable Judge Michael Schumacher heard and decided the motions to dismiss in this case. Upon Judge Schumacher’s retirement, the Honorable Judge Doug Hoffer heard the [bench] trial in this matter and issued the final order.”

After a bench trial on October 2, 2024, judgment was entered on all three municipal forfeitures, and Sheggeby was ordered to pay \$40 per citation. Sheggeby now appeals, again arguing that the citations violated Wis. STAT. § 800.02(2)(ag)3. by not containing a description of the violation in language that could be readily understood and, accordingly, that each of his municipal ordinance convictions must be overturned.

As an initial matter, the City argues that Sheggeby forfeited his argument by not raising it in the circuit court. The City maintains that, in the circuit court, Sheggeby’s motion for reconsideration argued that a defendant cannot “make a knowing and intelligent plea to charges without sufficient facts to assess whether to admit or deny the charge,” whereas, on appeal, Sheggeby “has broadened his argument and is now suggesting that there [must] be ‘some description of the violation beyond the name of the offense’ within the citation.” However, all of Sheggeby’s arguments in the circuit court involved his contention that the failure to include “a description of the violation in language that can be readily understood” required dismissal of the citations against him. See Wis. STAT. § 800.02(2)(ag)3. We conclude that Sheggeby’s arguments in the circuit court and on appeal are fundamentally the same, and, accordingly, we reject the City’s forfeiture argument.

Turning to Sheggeby’s argument on the merits, we interpret statutes de novo, “without deference to the lower courts.” See **State v. Wills**, 193 Wis. 2d 273, 277, 533 N.W.2d 165 (1995). We begin statutory interpretation with the statute’s language. See **State ex rel. Kalal v. Circuit Ct. for Dane Cnty.**, 2004 WI 58, ¶45, 271 Wis. 2d 633, 681 N.W.2d 110. The language “is given its common, ordinary, and accepted meaning,” and “is interpreted in the context in which it is used; not in isolation but as part of a whole; in relation to the language of surrounding or closely-related statutes; and reasonably, to avoid absurd or unreasonable results.”

Id., ¶¶45-46. If the meaning of the language is plain, we apply the statute as written. *Id.*, ¶46. “Statutory language is read where possible to give reasonable effect to every word, in order to avoid surplusage.” *Id.*; see also *State v. Martin*, 162 Wis. 2d 883, 894, 470 N.W.2d 900 (1991).

WISCONSIN STAT. § 800.02(2)(ag)3. provides that a citation or complaint in a municipal ordinance violation case “shall contain substantially” “[t]he violation alleged, the time and place of the occurrence of the violation, a statement that the defendant committed the violation, the ordinance violated, and a description of the violation in language that can be readily understood.” We note that “and” is conjunctive and indicates here that each portion of § 800.02(2)(ag)3. is a separate requirement that must be met. See *State v. Lossman*, 118 Wis. 2d 526, 539, 348 N.W.2d 159 (1984).

Sheggeby’s argument potentially has merit, given that the requirements are separately listed, which suggests that they must be fulfilled independently of each other. See *id.*; *Martin*, 162 Wis. 2d at 894. Sheggeby correctly argues that the requirement of a plain-language description of the violation is related to defendants’ rights, in general, to adequate notice to permit them to defend against the citations. This connection is most often illustrated in criminal cases. See e.g., *State v. Mudgett*, 99 Wis. 2d 525, 532, 299 N.W.2d 621 (Ct. App. 1980) (“Procedural due process requires that a defendant have notice of the specific charge and an opportunity to address the specific issues raised by the charge at trial.”). In an ordinance case where fines are charged, such as here, due process protections apply, as fines can be considered a deprivation of money, a form of property. See *Stone v. WEC*, 2025 WI App 68, ¶41, 418 Wis. 2d 611, 28 N.W.3d 211 (explaining that a monetary forfeiture is subject to due process because protected property interests include money and courts must comply with due process when imposing a sanction).

However, even if we assume that the citations were deficient by failing to contain a description of the violation, we agree with the City that any such error was harmless. WISCONSIN STAT. § 805.18(1) provides that, in civil proceedings, “[t]he court shall, in every stage of an action, disregard any error or defect in the pleadings or proceedings which shall not affect the substantial rights of the adverse party.” *See also* WIS. STAT. § 800.02(1) (stating that “an action in municipal court for violation of a municipal ordinance is a civil action”). “In order for an error to affect the substantial rights of a party ..., there must be a reasonable possibility that the error contributed to the outcome of the action or proceeding at issue.” ***Weborg v. Jenny***, 2012 WI 67, ¶68, 341 Wis. 2d 668, 816 N.W.2d 191 (citation omitted). “A reasonable possibility of a different outcome is a possibility sufficient to ‘undermine confidence in the outcome.’” ***Schwigel v. Kohlmann***, 2005 WI App 44, ¶11, 280 Wis. 2d 193, 694 N.W.2d 467 (citation omitted).

In assessing whether an error is harmless, we must look at the particular circumstances in the case and examine the entire action. WIS. STAT. § 805.18(2). Here, this examination begs the question of whether a citation for an ordinance violation that states the ordinance violated but does not contain a description of the alleged facts giving rise to the citation can still provide sufficient information to comply with due process. Even Sheggeby admits that there are times when this scenario could happen. Part of the reason for Sheggeby’s correct admission is an understanding, as the City argues, that the required “description of the violation in language that can be readily understood” need not be overly detailed.

Here, under all the circumstances, Sheggeby was accorded due process, and any failure to comply with the statute was harmless. Sheggeby does little to explain how, after Officer Stensen-Veenendall completed his investigation and issued and served the three citations a few

days later, Sheggeby was actually unaware of the nature of the allegations against him. Each citation describes the actual ordinances violated (both by name and number), as well as stating the date, time, and location (by street names) of each offense. Clearly, the citations point to whatever happened between Sheggeby, the neighbor, and the neighbor's wife on the neighbor's property that day. Sheggeby never argues that he did not know what general circumstances gave rise to the three citations against him, nor does he explain how any lack of description meaningfully altered how he prepared for trial. Sheggeby fails to explain why any violation of WIS. STAT. § 800.02(2)(ag)3. kept him from properly defending himself against the citations. Indeed, he tried the case in a thorough manner and with a seeming understanding of what he was accused of doing. There are also no other indications that the omissions of which Sheggeby complains misled him as to what conduct during the July 17, 2023 altercation generally gave rise to the citations or had any verifiable impact on his ability to defend against the citations.

In short, the City has met its burden to prove that any error in omitting the required language was harmless. See *State v. Dyess*, 124 Wis. 2d 525, 543 370 N.W.2d 222 (1985) (providing that the “beneficiary” of an error bears the burden of proving that the error was harmless). Accordingly, we affirm the circuit court's order on this basis.

Therefore,

IT IS ORDERED that the order is summarily affirmed. 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