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DISTRICT II

October 7, 2026

To:

Hon. Dale L. English
Circuit Court Judge
Electronic Notice

Sara Lynn Shaeffer
Electronic Notice

Michelle Weber
Clerk of Circuit Court
Fond du Lac County Courthouse
Electronic Notice

Anthony J. Tynan #421300
Redgranite Correctional Institution
P.O. Box 925
Redgranite, WI 54970-0925

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

2025AP2879-CR

State of Wisconsin v. Anthony J. Tynan (L.C. #2016CF308)

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

Anthony J. Tynan appeals from an order of the circuit court denying his petition for sentence adjustment. 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).¹ For the following reasons, we affirm.

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

Serving a prison sentence, Tynan filed a Wis. STAT. § 973.195 petition for sentence adjustment in December 2025. The circuit court denied the petition, concluding that it was “not in the public interest.” Tynan appeals from this denial.

The decision whether to grant or deny a petition for sentence adjustment is left to the discretion of the circuit court. *State v. Stenklyft*, 2005 WI 71, ¶¶78, 81-82, 281 Wis. 2d 484, 697 N.W.2d 769. We will sustain a court’s discretionary decision “if it examined the relevant facts, applied a proper standard of law and, using a demonstrated rational process, reached a conclusion that a reasonable judge could reach.” *Jandrt ex rel. Brueggeman v. Jerome Foods, Inc.*, 227 Wis. 2d 531, 549, 597 N.W.2d 744 (1999). When challenging a circuit court’s decision on appeal, the burden falls on the appellant to show that the court erred. *Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381.

Ultimately, Tynan criticizes the circuit court for not further expounding upon its conclusion that granting his petition is “not in the public interest.” He fails to meet his appellate burden to show that the circuit court erred however, because he fails to develop any legal arguments showing how that might be so. While we do not consider undeveloped arguments in the first instance, *see Clean Wis., Inc. v. PSC*, 2005 WI 93, ¶180 n.40, 282 Wis. 2d 250, 700 N.W.2d 768, he simply cannot show that the court erred without developing a legal argument to that effect, and “we will not abandon our neutrality to develop arguments” for a party, *see Industrial Risk Insurers v. American Eng’g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82.

Here, Tynan correctly recognizes that Wis. STAT. § 973.195(1r)(f) “states the [c]ourt is only required to list on the record its reasons for granting sentence adjustment, not if it denies it”

but follows with, “[i]f the courts are not required to state reasons for denying the petition, this eliminates the fair and just evaluation of analysis doctrine in the Administration of Justice and establishes an abuse of discretion.” This is not a developed argument as to how the circuit court erred in reaching its decision denying his petition; it is a conclusory statement about public and judicial policy Tynan wishes was the law.²

Moreover, as the State points out, WIS. STAT. § 971.025(1) requires the circuit court to “use [the] standard court form[] adopted by the [j]udicial [c]onference,” which is what the court did here in using form “CR-260,” titled “Order Concerning Sentence Adjustment § 973.195, Wis. Stats.” In utilizing that form, the court indicated it was denying the petition as not in the public interest

after considering any relevant factors including the nature of the crime, the character of the inmate, the protection of the public, the positions of the State and of the victim and the inmate’s institutional conduct, including the inmate’s efforts at and progress in rehabilitation, or lack thereof, and the inmate’s participation and progress, or lack thereof, in education, treatment and correctional programs.

(Emphasis added.) With his petition for sentence adjustment, Tynan included 16 pages of materials related to his “institutional conduct, including [his] efforts at and progress in rehabilitation ... and ... participation and progress ... in education, treatment and correctional programs.” The court’s denial of his petition on CR-260 indicates it considered such “relevant factors.”

² Tynan further asserts in his reply brief that the “[l]egislature made a mistake when they constructed the statute in relieving the responsibility of the courts to properly state their reasons when making a decision.” The proper place for Tynan to raise this concern is with the legislature.

Therefore,

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.

Samuel A. Christensen
Clerk of Court of Appeals