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DISTRICT IV

November 25, 2026

To:

Hon. Stephanie R. Hilton
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Robin Woongho Lee
Electronic Notice

Mumtaz Asad Khalif
Electronic Notice

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

2026AP685 State of Wisconsin v. Mumtaz Asad Khalif (L. C. #2025TR11145)

Before Graham, P.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).

Mumtaz Asad Khalif, pro se, appeals the circuit court order denying her motion to reopen a default judgment in a forfeiture speeding case. Having reviewed the briefing and record, I conclude that this case is appropriate for summary disposition under WIS. STAT. RULE 809.21(1). I affirm because Khalif's arguments do not demonstrate that the circuit court erroneously exercised its discretion.

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

Khalif received a speeding ticket in August 2025 and entered a written not-guilty plea. The circuit court set a trial for February 17, 2026. On that date, less than an hour before the scheduled beginning of trial, Khalif filed a request to reschedule. The minutes reflect that Khalif did not appear for trial and the court entered a default judgment. Khalif filed a motion to reopen the judgment that same day, asserting that she had been injured in a traffic accident on February 1, and that this injury had made her "physically unable to attend work, school, or appear in court for [the] scheduled trial." The motion and the request to reschedule that Khalif sent earlier that day both stated that Khalif had sent the court a letter about the situation the previous week, but from the record it does not appear that any such letter was received by the court.

The circuit court entered an order directing Khalif to file the medical documentation that was referred to in her motion to reopen. Khalif filed several documents in response, and the court set a hearing on the motion to reopen. The minutes reflect that Khalif spoke in support of her motion and the State opposed it, and that the court denied the motion for reasons it gave on the record.

Khalif appealed and filed a brief. The State, despite repeated orders notifying it of the passed deadline and the potential for sanctions, did not file a brief in response, and Khalif moved for summary reversal. This court may reverse a circuit court decision as a sanction for the failure to file a brief, but as noted in one of those orders, other judicial interests may not be served by doing so in a given case.

In this case, I conclude that the circuit court should be affirmed despite the State's failure to file a brief.[2] As Khalif correctly notes, the decision on a motion to reopen is committed to the circuit court's discretion. ***Miller v. Hanover Ins. Co.***, 2010 WI 75, ¶29, 326 Wis. 2d 640, 785 N.W.2d 493. This means that the decision is reviewed for an erroneous exercise of discretion, and this court will not reverse the circuit court's exercise of discretion as long as it "examined the relevant facts, applied a proper standard of law, and, using a demonstrated rational process, reached a conclusion a reasonable judge could reach." ***Liddle v. Liddle***, 140 Wis. 2d 132, 136, 410 N.W.2d 196 (Ct. App. 1987). Khalif makes several arguments in support of her contention that the court should have granted her motion to reopen, but these arguments are unavailing because they do not address much less overcome the standard of review.

Khalif argues that her medical situation after the accident supplied a reason justifying relief from judgment under WIS. STAT. § 806.07(1). However, as the circuit court noted, the first communication in the record from Khalif regarding the February 1 accident occurred less than an hour before the trial was to commence on February 17. Although Khalif maintains that she

[2] Although I decide this appeal on its merits, I note that there are no transcripts contained in the record that was transmitted to this court pursuant to WIS. STAT. RULE 809.15. The lack of a transcript in the record on appeal could constitute an additional basis for affirming the circuit court's decision.

It appears that Khalif did secure a transcript from the official court reporter of the hearing on her motion to reopen, and she has included a version of this transcript in the appendix to her brief. However, the transcript is not in the record on appeal because the transcript was filed after the record was transmitted to this court. This court's review is limited to the record on appeal, and a litigant's inclusion of nonrecord materials in an appendix does not properly bring those materials before this court. *See* ***State v. McAttee***, 2001 WI App 262, ¶5 n.1, 248 Wis. 2d 865, 637 N.W.2d 774 ("It is the appellant's responsibility to ensure completion of the appellate record and when an appellate record is incomplete in connection with an issue raised by the appellant, we must assume that the missing material supports the trial court's ruling." (internal quotation and citation omitted)).

Nevertheless, because Khalif is pro se and is likely unaware of the problem or its solution (a motion to correct or supplement the record on appeal), I will overlook her failure to file such a motion and will assume that the transcript she has supplied accurately reflects what occurred in the circuit court.

called court staff and mailed a letter before this date, the court was not obligated to accept that representation. *See* ***State v. Sloan***, 2007 WI App 146, ¶21, 303 Wis. 2d 438, 736 N.W.2d 189 ("The [circuit] court is the sole arbiter of credibility issues and will be sustained if facts in the record support the court's conclusions.").

Khalif also points out that she moved to reopen immediately upon learning of the default, and asserts, as she did in the circuit court, that her physical condition from February 1 to February 17 made it impossible or impracticable for her to appear for trial. Assuming Khalif's assertion about her condition is true, both of these facts would be legitimate considerations for a court to weigh when determining whether a judgment ought to be reopened. ***Mohns, Inc. v. TCF Nat'l Bank***, 2006 WI App 65, ¶10, 292 Wis. 2d 243, 714 N.W.2d 245. However, they do not address the court's noted concern that it did not hear from Khalif until shortly before trial was to begin, at a time when the State's witness was present at the courthouse and prepared to testify. And in any case, on appeal, this court does not "reweigh or rebalance the factors considered by a circuit court" in reaching a discretionary decision. ***Doe 1 v. Madison Metro. Sch. Dist.***, 2021 WI App 60, ¶43, 399 Wis. 2d 102, 963 N.W.2d 823. Khalif's arguments could support a discretionary decision in Khalif's favor, but they do not convince me that under the circumstances, the circuit court's decision to deny the motion to reopen the judgment was "a conclusion a reasonable judge could [not] reach." *See* ***Liddle***, 140 Wis. 2d at 136.

IT IS ORDERED that the order of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that appellant's pending motion for summary reversal is denied.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals