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DISTRICT I

July 8, 2025

To:

Hon. Carl Ashley
Circuit Court Judge
Electronic Notice

Teahara M. King
2417 N. 33rd Street
Milwaukee, WI 53210

Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Processing
Division
Electronic Notice

Dejuan A. Mason
4971 N. Teutonia Avenue
Milwaukee, WI 53209

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

2023AP956

In re the Paternity of K.M.M.: State of Wisconsin v. Dejuan A.
Mason and Teahara M. King (L.C. # 2019PA116PJ)

Before White, C.J., Donald, P.J., and Geenen, J.

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).

Dejuan A. Mason, pro se, appeals from an order of the circuit court that modified custody and placement of his son, K.M.M. ("Kevin"),¹ and from an order finding Mason in contempt for not following earlier orders. Based upon our review of the briefs and record, we conclude at

¹ For ease of reading, we use a pseudonym for K.M.M. in this opinion, rather than his initials.

conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).² The orders are summarily affirmed.

The underlying case was opened in Walworth County in 2015;³ venue was transferred to Milwaukee County in January 2019. In May 2019, Milwaukee County issued an order that denied Mason’s motion to change Kevin’s physical placement, thereby maintaining an approximately equal placement schedule that the parties had been exercising following mediation.⁴ That order remained in effect for nearly three years.

On April 12, 2022, Kevin’s mother Teahara King filed a motion to modify legal custody and physical placement.⁵ She was particularly concerned that Kevin was missing excessive amounts of school and extracurricular activities when placed with Mason. Mason also refused to let Kevin be vaccinated. The court commissioner ordered the parties to participate in mediation and set a follow-up hearing for October 25, 2022.

Following the October 25 hearing, the court commissioner entered an order modifying custody and placement in a manner consistent with the recommendations of the guardian ad litem; King was awarded primary placement, and Mason was permitted to have placement for three to four weekends per month. Additionally, joint legal custody was continued, but “final

² All references to the Wisconsin Statutes are to the 2023-24 version.

³ The circuit court case number in Walworth County was 2015PA68.

⁴ This order did, however, grant Mason’s request to modify child support.

⁵ Mason had filed his own such motion a month earlier, on March 15, 2022, but the court commissioner concluded “there [was] no proper service filed with the Court” and it did not consider Mason’s motion any further.

authority” over medical and educational decisions was awarded to King. Mason immediately filed a motion for de novo review. *See* WIS. STAT. § 757.69(8).

An initial de novo review hearing was held on November 17, 2022. The circuit court continued the commissioner’s October 2022 order and set a trial on the petition for April 3, 2023. On February 6, 2023, King moved for a finding of contempt after Mason refused to return Kevin to her in accordance with the October 2022 placement order. A hearing on the contempt motion was set for May 11, 2023, and later rescheduled to May 17, 2023.

After the April 3, 2023 trial, the circuit court entered an order on May 2, 2023, further restricting Kevin’s placement with Mason.⁶ The new order granted King sole custody and primary placement of Kevin; Mason was granted 48 hours of placement per month, plus phone calls, Monday through Friday, at 4:45 p.m., not to go past 5:15 p.m. After the rescheduled contempt hearing, the court entered an order on May 26, 2023, holding Mason in contempt.⁷ The court found that Mason “repeatedly ignores directives” of the court, “interrupt[s] and disrupt[s] the proceedings” with “egregious and disruptive behavior,” and “on multiple occasions intentionally and willfully violated the custody and placement orders” entered after the October 2022 and April 2023 hearings. As sanctions, the court imposed ten days’ confinement; it also ordered that Mason’s periods of placement must now be supervised. Mason appeals.

We review a circuit court’s decision to modify a custody or placement order for an erroneous exercise of discretion. *Valadez v. Valadez*, 2022 WI App 2, ¶24, 400 Wis. 2d 523,

⁶ The Honorable Todd K. Martens entered the May 2, 2023 placement order.

⁷ The Honorable Timothy M. Witkowiak entered the May 26, 2023 contempt order.

969 N.W.2d 770. We also review the circuit court’s use of its contempt power for an erroneous exercise of discretion. *Benn v. Benn*, 230 Wis. 2d 301, 308, 602 N.W.2d 65 (Ct. App. 1999). “Properly exercised discretion involves ‘a statement on the record of the [circuit] court’s reasoned application of the appropriate legal standard to the relevant facts of the case.’” *J.W. v. B.B.*, 2005 WI App 125, ¶6, 284 Wis. 2d 493, 700 N.W.2d 277 (citation omitted). The circuit court’s findings of fact will not be set aside unless they are clearly erroneous, and we give due regard to the court’s opportunity to judge the witnesses’ credibility. *See* WIS. STAT. § 805.17(2). If a court does not fully explain its reasoning, “we may ‘examine the record to determine whether the facts support’ its decision.” *J.W.*, 284 Wis. 2d 493, ¶6 (citation omitted).

However, the record in this matter is incomplete, because Mason did not obtain transcripts for either the April 3, 2023 trial or the May 17, 2023 contempt hearing. It is the appellant’s obligation to ensure a complete record as to all of the issues appellant raises on appeal.⁸ *Manke v. Physicians Ins. Co. of Wis., Inc.*, 2006 WI App 50, ¶60, 289 Wis. 2d 750, 712 N.W.2d 40. When the record on appeal is incomplete, we assume that the missing material supports the circuit court’s ruling. *See id.*; *see also Fiumefreddo v. McLean*, 174 Wis. 2d 10, 27, 496 N.W.2d 226 (Ct. App. 1993). We therefore assume that the omitted transcripts would support the circuit court’s factual findings from the trial and contempt hearings, as well as its exercise of discretion in each instance.

⁸ Mason was given multiple opportunities to procure transcripts. His original statement on transcript, *see* WIS. STAT. RULE 809.11(4)(b), was defective. His second statement on transcript was also defective, so this court on its own motion extended the filing deadline. Mason then filed four new, but still defective, statements on transcript. We again extended his filing deadline; in the same order, we also explained that any motion for the waiver of transcript costs must be filed with the circuit court. On November 20, 2023, Mason filed a statement on transcript in which he expressed his “wish to proceed with this appeal without the requested transcripts.”

Upon the foregoing,

IT IS ORDERED that the orders are 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