



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 IV

October 23, 2025

To:

Hon. Gregory J. Potter
Circuit Court Judge
Electronic Notice

Kimberly Stimac
Clerk of Circuit Court
Wood County Courthouse
Electronic Notice

Peter A. Kastenholtz
Wood County Corporation Counsel
P.O. Box 8095
400 Market Street
Wisconsin Rapids, WI 54495-8095

Nicholas R. Abts
Electronic Notice

Gary J. Kryshak
Kryshak Law LLC
400 Daly Ave., Suite 102
Wisconsin Rapids, WI 54494

Milena Mileva
Electronic Notice

Timothy Wilhelm
Electronic Notice

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

2023AP2253

In re the marriage of: Milena Mileva v. Timothy Wilhelm
(L.C. # 2022FA372)

Before Graham, P.J., Blanchard, and Kloppenburg, 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).

Timothy Wilhelm, pro se, appeals a circuit court order containing the terms of child support and placement of the parties' minor child in this divorce proceeding. After reviewing 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 We summarily affirm.

Wilhelm’s appellant’s brief contains numerous complaints about the circuit court proceedings in this matter. However, the brief fails to develop coherent arguments that apply relevant legal authority to the facts of record, and instead relies largely on conclusory assertions. This court need not consider arguments that are unsupported by adequate factual and legal citations or are otherwise undeveloped. *See State v. McMorris*, 2007 WI App 231, ¶30, 306 Wis. 2d 79, 742 N.W.2d 322 (an appellate court may “choose not to consider ... arguments that lack proper citations to the record”); *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (undeveloped legal arguments). While we make some allowances for the failings of a party who, as here, is not represented by counsel, “[w]e cannot serve as both advocate and judge,” *Pettit*, 171 Wis. 2d at 647, and will not scour the record to develop viable, fact-supported legal theories on the party’s behalf, *State v. Jackson*, 229 Wis. 2d 328, 337, 600 N.W.2d 39 (Ct. App. 1999).

Even if we were to scour the record to develop arguments on Wilhelm’s behalf, the record on appeal is inadequate for this court to conduct a meaningful review because Wilhelm failed to make any transcripts a part of the appellate record. Significantly, the record lacks the transcript of the contested divorce hearing that preceded the entry of the order being appealed in this case. Electronic circuit court docket entries indicate that matters of child support and placement were addressed and decided at the contested divorce hearing. As the appellant, it is

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

Wilhelm's duty to ensure that the record is sufficient to address the issues raised on appeal. *See State Bank of Hartland v. Arndt*, 129 Wis. 2d 411, 423, 385 N.W.2d 219 (Ct. App. 1986). In the absence of a transcript, this court must assume that every fact essential to sustain the circuit court's exercise of discretion is supported by the record, and we do so here. *See Austin v. Ford Motor Co.*, 86 Wis. 2d 628, 641, 273 N.W.2d 233 (1979).

In sum, Wilhelm has failed to develop his arguments legally or to support them factually, and he has failed to include in the appellate record transcripts that are necessary for the appeal. In addition, Wilhelm has failed to file a reply brief responding to the arguments made in Mileva's respondent's brief. Propositions asserted by a respondent on appeal and not disputed by the appellant in the reply brief are taken as admitted. *See Schlieper v. DNR*, 188 Wis. 2d 318, 322, 525 N.W.2d 99 (Ct. App. 1994).

IT IS ORDERED that the order is summarily affirmed under WIS. STAT. RULE 809.21(1).

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

Samuel A. Christensen
Clerk of Court of Appeals