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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  
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**DISTRICT IV**

June 11, 2026

To:

Hon. Nicholas J. Brazeau Jr.  
Circuit Court Judge  
Electronic Notice

Michael D. Montgomery  
Electronic Notice

M.T.S.

Tara Jensen  
Register in Probate  
Wood County Courthouse  
Electronic Notice

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

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2025AP346

In the interest of A.J.V., a person under the age of 18:  
State of Wisconsin v. M.T.S. (L.C. #2022JC83)

Before Graham, P.J.<sup>1</sup>

**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).**

M.T.S. appeals an order that found him in contempt of court, and, in the course of this appeal, he also seeks to challenge a dispositional order that found his daughter, “A,”<sup>2</sup> to be a child in need of protection or services (CHIPS). This court does not have jurisdiction to review the dispositional order because M.T.S. did not timely appeal that order. As for the contempt

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

<sup>2</sup> For ease of reading, we refer to the child by her first initial.

order, M.T.S.'s appeal of that order is timely but his arguments are unpersuasive. I therefore affirm.

M.T.S. is A's biological father. At the time the CHIPS proceeding at issue here was initiated, A's mother had passed away, A was living with her aunt, and M.T.S. was not involved in A's life. The Wood County Department of Human Services initiated a CHIPS petition after A's aunt informed the Department that she was no longer able to care for A.

M.T.S. was notified of the CHIPS proceeding and, through his attorney, he expressed a desire to care for A and a willingness to work with the Department. At the plea and dispositional hearing that followed, M.T.S. accepted the recommendations set forth by the Department. Consistent with those recommendations, a dispositional order was entered in November 2022 finding A in need of protection and services and placing her in out-of-home care.

Despite the sentiments M.T.S. had expressed at the hearing, he was not cooperative with the Department in the months that followed. Among other things, the Department reported that M.T.S. did not attend several scheduled visits with A, and that at the visits he did attend, M.T.S. did not control his emotions and spent the time harassing and intimidating Department employees rather than attempting to develop a relationship with A.

In February 2022, on the Department's recommendation, the circuit court entered an order suspending M.T.S.'s visits with A. The February 2022 order also required that M.T.S. comply with a number of conditions, including submitting to and completing a mental health evaluation, maintaining a distance of at least three feet from Department social workers when addressing them, and treating Department employees with courtesy, which "include[d] not engaging in any action to intimidate."

In August 2024, the Wood County District Attorney filed a motion asking the circuit court to hold M.T.S. in contempt of court based on his failure to comply with the February 2022 order. Specifically, the motion alleged that M.T.S. had not treated Department employees with courtesy. It quoted numerous insulting emails that M.T.S. had sent to Department employees, and it alleged facts regarding an in-person meeting in which M.T.S. became loud and aggressive, threw papers, and put his body within inches of a Department employee.

M.T.S. opposed the motion and, in a letter to the circuit court, he asked for a judicial substitution. The court denied the substitution request on the ground that M.T.S. failed to comply with the timeline specified in WIS. STAT. § 48.29(1). M.T.S. then sent another written request asking the judge to “step down,” and the court again denied that request.

The circuit court held a hearing on the contempt motion in February 2025. Department employees who had interacted with M.T.S. testified about the emails that M.T.S. sent, and also testified about the in-person meeting in which M.T.S. became hostile and aggressive. M.T.S. represented himself at the hearing, and his testimony and questions to witnesses were largely focused on various issues he had with the Department employees and the CHIPS proceeding, rather than any issues that directly related to the contempt motion. At numerous points during the hearing, the court attempted to redirect M.T.S.’s focus to issues related to whether he had “complied with [the court’s] order or not,” and the court explained that “[t]hat’s the only thing that’s going on at this hearing today.”

The circuit court ultimately found M.T.S. in contempt of court. It entered a written order on February 7, 2025, and M.T.S. timely filed a notice of appeal of the contempt order.

In his appellate briefing, in addition to challenging the contempt order, M.T.S. also attempts to challenge the dispositional order that was entered three years earlier in 2022. However, for reasons I now explain, this court does not have appellate jurisdiction over the dispositional order, and I reject M.T.S.’s arguments about the dispositional order on that basis.

With respect to the dispositional order, M.T.S. asks this court to reverse it and to remand to the circuit court for a “new dispositional hearing.”<sup>3</sup> I do not reach the merits of M.T.S.’s challenge to the dispositional order because M.T.S. did not timely seek review of that order pursuant to the postdisposition process and timeline specified in WIS. STAT. RULE 809.30(2). The deadline to invoke that postdisposition process expired more than three years ago. The filing of a timely notice of appeal is necessary to give this court jurisdiction to review any order that was entered in a circuit court case. *See* WIS. STAT. RULE 809.10(1)(e). Here, the notice of appeal was untimely as to the 2022 dispositional order, so this court lacks jurisdiction to review that order.<sup>4</sup>

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<sup>3</sup> As I best understand, M.T.S. contends that that relief is warranted because, M.T.S. asserts, the circuit court did not comply with certain procedural protections in WIS. STAT. ch. 48; the Department “lied about [his] past record” in its dispositional report; and there were not “any facts” in the record to support that A was “in need of protection from her dad.”

<sup>4</sup> M.T.S.’s notice of appeal stated that he was appealing the order finding him in contempt of court, but did not specifically identify the dispositional order as the subject of the appeal. However, based on M.T.S.’s appellate briefing, it is evident that he seeks to challenge aspects of the dispositional order in this appeal. Had the notice of appeal been timely as to the dispositional order, I could have potentially construed the notice of appeal to include a challenge to the dispositional order. *See Wambolt v. West Bend Mut. Ins. Co.*, 2007 WI 35, ¶46, 299 Wis. 2d 723, 728 N.W.2d 670 (“[A]ppellate courts should liberally construe ambiguities to preserve the right of appeal.”). However, because the notice of appeal was not timely as to the 2022 dispositional order, this court lacks jurisdiction to review it.

Turning to the contempt order, there is no dispute that M.T.S.'s notice of appeal was timely as to that order. Accordingly, I now consider M.T.S.'s arguments that the circuit court erred with respect to that order.

Contempt is “intentional ... [d]isobedience, resistance or obstruction of the authority, process or order of a court.” WIS. STAT. § 785.01(1)(b). An appellate court reviews a circuit court’s use of its contempt power for an erroneous exercise of discretion. *Frisch v. Henrichs*, 2007 WI 102, ¶129 n.13, 304 Wis. 2d 1, 736 N.W.2d 85. Thus, I will uphold the circuit court’s decision if it reflects a reasonable conclusion based on a logical interpretation of the facts, application of the proper legal standard, and a rational process. *Benn v. Benn*, 230 Wis. 2d 301, 308, 602 N.W.2d 65 (Ct. App. 1999). And I will uphold the court’s factual findings relating to contempt unless they are clearly erroneous. See *Kaminsky v. Milwaukee Acceptance Corp.*, 39 Wis. 2d 741, 746-47, 159 N.W.2d 643 (1968).

I conclude that the circuit court did not erroneously exercise its discretion when it determined that M.T.S. was in contempt of court. As noted, the February 2022 order provided that M.T.S. was required to be courteous to Department employees, to not engage in conduct that was intimidating, and to stay at least three feet from Department employees when speaking to them. At the hearing, Department employees testified that M.T.S. had sent them insulting emails, that he had exhibited intimidating and threatening behavior, and that on at least one occasion, he placed his body within inches of a Department employee while yelling and throwing papers. This testimony was credited by the circuit court and supports a determination that M.T.S. intentionally disobeyed an order of the court. See WIS. STAT. § 785.01(1)(b).

M.T.S. makes several arguments to the contrary, which I consider and reject. First, M.T.S. argues that the circuit court erred in crediting the Department witnesses' accounts rather than his own. In his briefing, he asserts that on the day of the in-person meeting, he "did not intimidate the workers," and that he "attempted to avoid them" and left "quietly and peacefully." M.T.S. argues that the court should have credited this testimony over what he characterizes as "fabricated lies" by Department employees.

This argument is unavailing. It was within the circuit court's discretion to decide which testimony to credit regarding the events that had transpired, and here, the two employees who testified provided consistent accounts that the court reasonably credited. *See Noll v. Dimiceli's, Inc.*, 115 Wis. 2d 641, 644, 340 N.W.2d 575 (Ct. App. 1983) ("[W]here there is conflicting testimony, the trial judge is the ultimate arbiter of the credibility of the witnesses.") (citation omitted). M.T.S. does not persuade me that the court's decision to credit the Department employees' testimony was "clearly erroneous," nor does M.T.S. point to anything in the record apart from his own account that suggests that their testimony was fabricated.

Second, M.T.S. argues that he did not "knowingly," "willfully or in bad faith," or "intentionally" disobey the circuit court's order. This argument is misplaced for several reasons. Most importantly, there was a factual basis for a finding that M.T.S. knowingly disobeyed the court order. M.T.S. does not argue that he was unaware of the court order, and the testimony demonstrates that he engaged in conduct that was contrary to that order. Turning to M.T.S.'s assertion that his conduct was not "willful" or "in bad faith," this assertion is beside the point. WISCONSIN STAT. § 785.01(1)(b) does not require that conduct be "willful" or "in bad faith" to qualify as contempt of court; rather, all the statute requires is that the party's disobedience of the court order be "intentional." Although M.T.S. appears to dispute that the record supports that his

conduct was intentional, I disagree. Here, the record supports a finding that M.T.S. voluntarily took actions that were inconsistent with the court's directive to treat Department employees with courtesy, and those actions qualify as "intentional ... [d]isobedience" pursuant to § 785.01(1)(b). *See Oliveto v. Circuit Ct. for Crawford Cnty.*, 194 Wis. 2d 418, 427 n.3, 533 N.W.2d 819 (1995) (an act that is "volitional ... is deemed intentional"); *Shepard v. Circuit Ct. for Outagamie Cnty.*, 189 Wis. 2d 279, 287, 525 N.W.2d 764 (Ct. App. 1994) ("A person may be said to have intentionally caused the result where the result is substantially certain to occur from the actor's conduct.").

Third, M.T.S. contends that the circuit court imposed an "unethical protocol" with respect to objections, which made it "impossible" for witnesses on either side to testify. However, beyond this assertion, M.T.S. does not explain how the court's handling of objections was "unethical," nor does he explain why this would warrant reversal.

An appellate court is not required to entertain arguments that are undeveloped and not supported by legal authority or citations to the record, *see State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992), and based on my review, I am not persuaded that the circuit court erred in any way with respect to objections. It is true that the court sustained several objections that were lodged by the prosecuting attorney and the guardian ad litem at the contempt hearing, and it is also true that these objections prevented M.T.S. from eliciting certain information that he sought from witnesses. However, M.T.S. was attempting to question Department employees and other witnesses about issues related to the CHIPS proceeding that were not directly relevant to the issue of contempt. Evidence that "is not relevant is not admissible," and the court did not erroneously exercise its discretion in sustaining objections to irrelevant evidence. *See* WIS. STAT. § 904.02.

Fourth, M.T.S. argues that the circuit court erred in not letting him present certain evidence during the contempt hearing. Specifically, M.T.S. points to an audio recording that he purportedly made on his cellphone after the in-person meeting with Department employees. According to M.T.S., the recording captured a conversation between him and a court deputy who was positioned in a hallway near the meeting room, and the recording would reveal that the deputy told M.T.S. that “nothing happened” during the meeting and that his behavior had been “great.” The court deputy testified at the contempt hearing and, although she acknowledged that she was present in the hallway near where the meeting occurred, she testified that she did not see or hear anything from the meeting. M.T.S. then brought up the audio recording and the statements that she purportedly made, which the deputy denied making. The court did not allow M.T.S. to play the recording.

For purposes of this appeal, I assume without deciding that the circuit court erred in not admitting the recording as a prior inconsistent statement of the deputy. *See* WIS. STAT. § 908.01(4)(a)1. However, any such error was harmless. *See* WIS. STAT. § 805.18(1) (“The 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.”); *Evelyn C.R. v. Tykila S.*, 2001 WI 110, ¶28, 246 Wis. 2d 1, 629 N.W.2d 768 (“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.”). Even if the audio recording had been presented and revealed that the court deputy made the statements that M.T.S. alleges she made, this evidence would not have moved the needle in any appreciable way. To determine that M.T.S. was in contempt, all the court needed to find was that M.T.S. intentionally failed to treat Department employees “with courtesy.” The court could have made that finding based on the

emails in which M.T.S. called Department employees “complete scam artists,” the “worst of the worst,” and “SICK AND TWISTED INDIVIDUALS [that] ... are acting insane,” among other things. In addition to the emails, there was testimony from Department employees that M.T.S. threatened to “sic a dog” on one employee, and that M.T.S. was watching another employee as she worked out at the gym. Based on this testimony, which the court was free to credit, the court could have reasonably determined that these latter actions violated the condition that M.T.S. not engage “in any action to intimidate” the employees. If that were not enough, the court was also able to observe M.T.S.’s demeanor towards Department employees during the contempt hearing, and the court observed that M.T.S. “literally became more aggressive in the middle of [his] question” directed at a Department employee. Under these circumstances, there is no reasonable probability the outcome of the proceeding would have been different had the court allowed M.T.S. to play the recording of the court deputy.

Fifth, M.T.S. argues that the circuit court erred when it denied his judicial substitution request and declined to step down from the contempt proceeding. Specifically, he argues that the judge was required to step down pursuant to WIS. STAT. § 757.19(2)(c), which provides that any judge “shall disqualify” himself or herself from any civil proceeding if the judge “previously acted as counsel to any party in the same action or proceeding.”

I first observe that M.T.S. has forfeited any argument about WIS. STAT. § 757.19(2)(c) because he did not raise it in the circuit court. See *Green v. Hahn*, 2004 WI App 214, ¶21, 277 Wis. 2d 473, 689 N.W.2d 657 (this court generally “will not address an issue that an appellant raises for the first time on appeal”); *State v. Rogers*, 196 Wis. 2d 817, 827, 539 N.W.2d 897 (Ct. App. 1995) (this court does not “blindside [circuit] courts with reversals based on theories which did not originate in their forum”). However, even if I were to overlook the forfeiture rule,

M.T.S.’s argument is unavailing. It is true that the judge had previously acted as M.T.S.’s counsel, but that representation occurred in a domestic matter that involved M.T.S.’s mother and took place years before the proceedings that are the subject of this appeal. Accordingly, because the judge did not act as M.T.S.’s counsel in the “same action or proceeding,” § 757.19(2)(c) does not require the judge’s disqualification.

Aside from WIS. STAT. § 715.19(2)(c), M.T.S. does not cite any other legal authority in support of his argument that the judge should not have presided at his contempt hearing. *See Pettit*, 171 Wis. 2d at 646. Although he asserts that he had a “bad relationship” with the judge and that there was “impropriety,” these assertions are not borne out by the record, and I am not persuaded that the judge erred in declining to recuse or disqualify himself under these facts.

Finally, M.T.S. asks this court to undertake a variety of tasks that are outside of this court’s role on appeal. For example, M.T.S. asks me to investigate issues related to the guardian ad litem; to confirm that he completed certain mental health evaluations; to order that his visitations with A be reinstated; and to charge Department employees with contempt of court “for lying under oath.” Such tasks are not within the scope of an appellate court’s review of a contempt determination.<sup>5</sup>

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<sup>5</sup> Although I have attempted to address M.T.S.’s various arguments, many of his arguments are difficult to parse, or are not developed, or are not supported by legal authority. To the extent that I have not specifically addressed an argument raised by M.T.S., the argument is deemed rejected. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (a court need not consider arguments that are unsupported by legal citations or are otherwise undeveloped).

IT IS ORDERED that the contempt order is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*