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DISTRICT III

August 18, 2026

To:

Hon. Michael H. Bloom
Circuit Court Judge
Electronic Notice

Jillian Pfeifer
Electronic Notice

Brenda Behrle
Clerk of Circuit Court
Oneida County Courthouse
Electronic Notice

Russell Patrick Panfil
907 S. 31st St.
Milwaukee, WI 53215

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

2024AP548

State of Wisconsin v. Russell Patrick Panfil
(L. C. No. 2023TR1598)

Before Hruz, 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).

Russell Patrick Panfil, pro se, appeals from a judgment of conviction following a bench trial, at which the circuit court found him guilty of speeding in a 55 miles-per-hour (mph) zone, at a speed of 20-24 mph over the posted speed limit, contrary to WIS. STAT. § 346.57(4)(h). He argues that there “was [an] insufficient factual basis to support a finding of guilt.” Based on our review of the briefs and record, we conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. We affirm.

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

As the State correctly argues, Panfil’s appeal fundamentally fails because he did not arrange to have a copy of the transcript from the trial he seeks to have us review included in the record. This omission is problematic, given our general standard of review for a bench trial. Namely, “[w]hen considering the sufficiency of the evidence, we apply a highly deferential standard of review.” *Jacobson v. American Tool Cos.*, 222 Wis. 2d 384, 389, 588 N.W.2d 67 (Ct. App. 1998).

The test for determining sufficiency of the evidence is whether a reasonable trier of fact could be convinced of the defendant’s guilt to the required degree of certitude by the evidence which it had a right to believe and accept as true. It is not a question of whether this court is so convinced. Our task as a reviewing court is limited to determining whether the evidence presented could have convinced a trier of fact, acting reasonably, that the appropriate burden of proof had been met.

City of Milwaukee v. Wilson, 96 Wis. 2d 11, 21, 291 N.W.2d 452 (1980) (footnote omitted); see also *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990) (articulating Wisconsin’s standard governing challenges to the sufficiency of the evidence to support a conviction). This court does not set aside the circuit court’s findings of fact unless they are clearly erroneous. WIS. STAT. § 805.17(2). In other words, the court’s findings will be affirmed unless the great weight and clear preponderance of the evidence support a contrary finding. See *Noll v. Dimiceli’s, Inc.*, 115 Wis. 2d 641, 643-44, 340 N.W.2d 575 (Ct. App. 1983).

Because there is no transcript for us to review, we have no basis upon which to disturb the circuit court’s factual findings, including most notably that Panfil was, in fact, speeding as charged. Rather, this court must assume that any missing transcripts would support the circuit court’s decision. See *Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 889 N.W.2d 381. The record reflects that both the law enforcement officer who issued the citation and Panfil

testified at the trial. On appeal, while Panfil questions the validity of the charges—including references to the officer’s dashboard camera video, alleged inconsistencies between the officer’s trial testimony and the speed listed on the citation, and a “governor” being on Panfil’s vehicle that allegedly would not have enabled him to reach the speed at which the officer testified to him operating—these were issues for the circuit court to consider and weigh.

Without the trial transcript, we have no means to determine if the circuit court’s findings of fact were clearly erroneous, and whether they support its ultimate determination of Panfil’s guilt, including any credibility determinations it may have expressly made.² Thus, not only does Panfil ask this court to simply reweigh the evidence—which we cannot do, *see Dickman v. Vollmer*, 2007 WI App 141, ¶14, 303 Wis. 2d 241, 736 N.W.2d 202 (stating that, on appeal from a bench trial, “[w]e do not reweigh the evidence or reassess the witnesses’ credibility”)—he fails to provide us the means to even do so.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. 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

² Furthermore, while Panfil references dashboard camera footage and a USB drive in making his arguments on appeal, these items are not in the appellate record for us to review.