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DISTRICT II

November 11, 2026

To:

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Circuit Court Judge
Electronic Notice

Michelle Weber
Clerk of Circuit Court
Fond du Lac County Courthouse
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Anthony J. Tynan #421300
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Redgranite, WI 54970-0925

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

2025AP1856-CR State of Wisconsin v. Anthony J. Tynan (L.C. #2022CF908)
2025AP1857-CR State of Wisconsin v. Anthony J. Tynan (L.C. #2023CF49)

Before Gundrum, Grogan, and LoCoco, 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).

In these consolidated cases, Anthony J. Tynan, pro se, appeals from orders of the circuit court denying his "Motion[s] for Enforcement of Order." Based upon our review of the briefs and record, we conclude at conference that these cases are appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).[1] For the following reason, we dismiss the appeals.

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

In 2025, Tynan pled no contest to charges in Fond Du Lac County Case Nos. 22CF908 and 23CF49. The circuit court sentenced him to concurrent sentences and ordered Tynan to pay costs, fees and surcharges, payment of which the court made a condition of extended supervision.

After the Department of Corrections (DOC) began deducting funds from his inmate account while he was incarcerated, Tynan asked the circuit court, in a letter dated April 18, 2025, "to amend both judgments of conviction to say 'All surcharges, costs, fines, and fees to be paid during the extended supervision portion of bifurcated sentence.'" Interpreting Tynan's request as motions for sentence modification, the court denied the motions on May 5, 2025. Tynan then filed letters dated May 12, 2025, stating that he was not asking the court to modify his sentences but to clarify the court's order that "[a]ll costs be paid as [a] condition of extended supervision." The court denied Tynan's requests on May 23, 2025, stating that the issue raised by Tynan "is an administrative issue for collection of the costs through DOC. The JOC [judgment of conviction] language remains correct and does not affect the DOC's ability to collect fees."

On June 25, 2025, in Fond du Lac County Case No. 22CF908, Tynan filed a "Motion for Enforcement of Order." On August 11, 2025, Tynan filed a copy of that motion in Fond du Lac County Case No. 23CF49. The court again denied Tynan's motions, stating that it had ordered that costs were a condition of extended supervision,[2] and "did not order that the [DOC] could not collect costs during confinement."

[2] The court inadvertently stated that costs were made a condition of probation instead of extended supervision.

Tynan appeals from the circuit court orders denying his "Motion[s] for Enforcement of Order." Also pending is the State's motion to dismiss these consolidated appeals, based on its position that Tynan's notice of appeal was not filed within 90 days of the circuit court's May 5, 2025 order, and, thus, we lack jurisdiction. The State relatedly maintains that Tynan's letters and motions filed subsequent to that May 5 order were motions for reconsideration.

We entered an order holding the State's motion to dismiss in abeyance pending completion of briefing. In that order, we directed the State to address in its brief in response to Tynan's already-filed brief-in-chief the issue of timeliness of the appeals and directed Tynan to respond to the State's argument in his reply brief.

As we requested, in its responsive brief, the State addresses the timeliness of Tynan's notices of appeal. The State asserts that because the circuit court denied Tynan's motions by written order on May 5, 2025, his notices of appeal filed August 8, 2025, were untimely as beyond 90 days, and, thus, we lack jurisdiction. The State further asserts that the court's responses and orders to the letters and motions Tynan filed subsequent to that May 5 order "are not themselves appealable, as they concerned the same issue resolved by the May 5 order." The State cites ***Ver Hagen v. Gibbons***, 55 Wis. 2d 21, 25, 197 N.W.2d 752 (1972) in support of its assertion that Tynan's letters and motions filed subsequent to the court's May 5 order "could not extend the time to appeal the May 5 order."

Tynan's entire reply to the State's argument is as follows: "Tynan appeals from an order entered and filed by the [c]ircuit [c]ourt on July 30th, 2025 and Tynan filed his notice of appeal for the [o]rder on August 8th, 2025 and in doing so makes his appeals timely and gives this [c]ourt jurisdiction."

Tynan fails to address the State's assertion that the "Motion[s] for Enforcement of Order" and other earlier filed letters were motions to reconsider and "concerned the same issue resolved by the May 5 order." By not responding, Tynan has conceded the issue. *See* ***United Co-op v. Frontier FS Co-Op.***, 2007 WI App 197, ¶39, 304 Wis. 2d 750, 738 N.W.2d 578 (2007) (concluding a party's failure to address a topic in a reply brief may be taken as a concession). Because "[n]o right of appeal exists from an order denying a motion to reconsider which presents the same issues as those determined in the order or judgment sought to be reconsidered," ***Silverton Enters., Inc. v. Gen. Cas. Co.***, 143 Wis. 2d 661, 665, 422 N.W.2d 154 (Ct. App. 1988), Tynan's appeals are untimely. Moreover, even if he had not conceded the issue, Tynan fails to develop an argument supporting the timeliness of these appeals if the "Motion[s] for Enforcement of Order" are not motions to reconsider the circuit court's May 5 order concerning the same issues resolved by the order. We will not develop one for him. *See* ***Doe 1 v. Madison Metro. Sch. Dist.***, 2022 WI 65, ¶35, 403 Wis. 2d 369, 976 N.W.2d 584 (stating that appellate courts "do not step out of [their] neutral role to develop or construct arguments for parties" (citation omitted)).

Therefore,

IT IS ORDERED that the State's motion to dismiss is summarily granted. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that the appeals are summarily dismissed for lack of jurisdiction.

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

Samuel A. Christensen
Clerk of Court of Appeals