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DISTRICT III

October 18, 2022

To:

Hon. Carrie A. Schneider
Circuit Court Judge
Electronic Notice

Barb Bocik
Clerk of Circuit Court
Outagamie County Courthouse
Electronic Notice

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Petitioner

Special Litigation & Appeals Unit
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Brad Alan Vander Heiden

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

2020AP2138

Petitioner v. Brad Alan Vander Heiden (L. C. No. 2020CV424)

Before Stark, P.J., Hruz and Gill, 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).

Brad Vander Heiden, pro se, appeals an order granting Connie's¹ petition for a domestic abuse injunction. Based upon our review of Vander Heiden's brief and record, we conclude at

¹ Pursuant to WIS. STAT. RULE 809.81(8) (2019-20), we use a pseudonym when referring to the petitioner in this matter. All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

conference that this case is appropriate for summary disposition.² We reject Vander Heiden’s arguments and summarily affirm the order. *See* WIS. STAT. RULE 809.21.

Connie petitioned for a temporary restraining order and a domestic abuse injunction against Vander Heiden. The petition asserted that Connie and Vander Heiden had been “dating off and on” for approximately eighteen years. According to the petition, the couple share two children and had been living together, but Connie ended the relationship and moved out after Vander Heiden began hitting her. The petition further alleged that after the breakup, Vander Heiden would not leave Connie alone, allegedly calling her phone “over 100 time[s] a day” and threatening her life for failing to return his calls.

On the same day the petition was filed, a court commissioner issued an ex parte temporary restraining order against Vander Heiden, effective until the time and date of the injunction hearing. After an injunction hearing, the court commissioner granted Connie’s petition for a domestic abuse injunction. Vander Heiden then moved the circuit court for de novo review. Following a de novo hearing, the circuit court issued a domestic abuse injunction. This appeal follows.

On appeal, Vander Heiden challenges the injunction on several grounds. As best we understand, Vander Heiden appears to argue that his remote appearance at the injunction hearing impeded his ability to effectively present his case and cross-examine witnesses, thus denying him

² After notifying the parties that the respondent’s brief had not been filed, and giving the respondent an additional five days to file her brief or request an extension, the respondent did neither. We therefore took the appeal under submission without further briefing while reserving the right to impose penalties, including summary reversal, for the respondent’s failure to file a brief. *See* WIS. STAT. RULE 809.83(2). After review, we have concluded it is appropriate to decide this matter without the respondent’s brief.

due process. Vander Heiden also contends that Connie sought to use the injunction to prevent him from having placement with his children and that the circuit court provided only vague protections for his placement rights.³

As an initial matter, we note that Vander Heiden's brief fails to comply with many of our appellate rules on briefing. While a pro se brief is given substantial latitude, certain aspects of the brief must comply with the rules of appellate procedure. *See* WIS. STAT. RULE 809.19(1); *see also Townsend v. Massey*, 2011 WI App 160, ¶27 n.5, 338 Wis. 2d 114, 808 N.W.2d 155. Vander Heiden's statement of facts does not include appropriate citations to the record. *See* RULE 809.19(1)(d). The brief does not adequately discuss the procedural status of the case leading up to the appeal, and his arguments are largely undeveloped and conclusory. *See* RULE 809.19(1)(d), (e). This court need not consider undeveloped and unsupported arguments. *See State v. McMorris*, 2007 WI App 231, ¶30, 306 Wis. 2d 79, 742 N.W.2d 322.

Moreover, Vander Heiden failed to provide this court with the transcript of the injunction hearing, thus further inhibiting our ability to properly review the circuit court ruling about which Vander Heiden complains. As the appellant, Vander Heiden was responsible for ensuring that all relevant transcripts are in the appellate record. *See* WIS. STAT. RULE 809.11(4). When an appellant fails to ensure a complete record, our review is limited to the portions of the record available to us, *see Ryde v. Dane Cnty. Dep't of Soc. Servs.*, 76 Wis. 2d 558, 563, 251 N.W.2d 791 (1977), and "we must assume that the missing material supports the [circuit court's ruling]."

³ The circuit court order stated: "This injunction does not prevent [Vander Heiden] from exercising his custody and placement rights as per the Family Court order subject to any no contact provisions in criminal matters."

see Fiumefreddo v. McLean, 174 Wis. 2d 10, 27, 496 N.W.2d 226 (Ct. App. 1993). Without the hearing transcript, this court must assume the circuit court properly exercised its discretion when granting the domestic abuse injunction, and Vander Heiden provides us with no reason to conclude otherwise.

Upon the foregoing,

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

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

Sheila T. Reiff
Clerk of Court of Appeals