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**DISTRICT IV**

June 2, 2023

To:

Hon. Lyndsey Brunette  
Circuit Court Judge  
Electronic Notice

Keith R. James  
Electronic Notice

Heather Bravener  
Clerk of Circuit Court  
Clark County Courthouse  
Electronic Notice

Petitioner  
Electronic Notice

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

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2022AP719

Petitioner v. Keith R. James (L.C. # 2022CV22)

Before Blanchard, P.J., Kloppenburg, and Fitzpatrick, 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).**

Keith James, pro se, appeals a circuit court order granting a domestic abuse injunction. James argues that there was insufficient evidence to support the injunction. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).<sup>1</sup> We summarily affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

On March 28, 2022, the petitioner sought a domestic abuse injunction against James. The circuit court held an injunction hearing on April 7, 2022. Both the petitioner and James testified at the hearing.

The petitioner testified in part as follows. She and James were married in 2007 and divorced in 2015. In 2013 and 2014, James punched and strangled her, pushed her to the ground, and threatened to kill her. After their marriage ended, James threatened to kill her if he ever found her.

James testified in pertinent part that he had not had any contact with the petitioner since 2015 and suggested that an injunction could not be issued because he had “not seen any text messages of any threats or anything.”

At the conclusion of the hearing, the circuit court determined that the petitioner’s unrefuted allegations were credible and that they provided sufficient grounds for the injunction. The court issued an injunction for four years.

A circuit court may issue a domestic abuse injunction if it determines that there are “reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct ... may engage in, domestic abuse of the petitioner.” WIS. STAT. § 813.12(4)(a)3. Domestic abuse includes “[i]ntentional infliction of physical pain” or “physical injury,” or a threat to engage in that conduct. Sec. 813.12(1)(am)1. and 6. The decision to grant or deny an injunction is within the circuit court’s discretion. See *Sunnyside Feed Co., Inc. v. City of Portage*, 222 Wis. 2d 461, 471, 588 N.W.2d 278 (Ct. App. 1998).

James argues that the evidence was insufficient to support the injunction because the petitioner did not provide sufficient documentary evidence to support her testimony that James engaged in acts of domestic abuse against her. We are not persuaded that the evidence was insufficient to support the injunction.

Contrary to James’s contention, a witness is not required to provide documentary evidence to support his or her testimony. Rather, the petitioner’s testimony here, which was deemed credible by the circuit court, provided sufficient evidence to support the injunction. *See Johnson v. Merta*, 95 Wis. 2d 141, 151-52, 289 N.W.2d 813 (1980) (when the circuit court acts as fact-finder, it determines the “weight of testimony and credibility of witnesses”); *see also* WIS. STAT. § 813.12(4)(a)3. (court may grant a domestic abuse injunction if, after a hearing, the court determines that there are “reasonable grounds to believe that the respondent has engaged in ... domestic abuse of the petitioner”). We discern no basis to disturb the court’s decision.<sup>2</sup>

Therefore,

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<sup>2</sup> The petitioner argues that the appeal should be dismissed because James missed or sought extensions for several deadlines in this appeal. We are not persuaded that dismissal is warranted on that basis.

The petitioner also argues that this appeal should be dismissed because James identified the petitioner by her full name in his brief. First, this court notes that James identified the petitioner by name in the appendix to his brief, not the brief itself. James’s briefs refer to the petitioner as the “Petitioner-Respondent” in compliance with WIS. STAT. RULE 809.19(1)(g). The petitioner does not cite any rule requiring the parties to redact the name of the petitioner from the appendices. Moreover, the only relief that the petitioner seeks for James’s inclusion of her full name in the appendix to his brief is dismissal of the appeal. We are not persuaded that dismissal is warranted on that basis.

Finally, the petitioner asks that this court extend the injunction for a ten-year period or permanently. However, any request to extend the injunction must be made as an initial matter to the circuit court, not this court. *See* WIS. STAT. § 813.12(4)(c) and (d).

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.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*