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SUMMARY DISPOSITION ORDERS
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SPECIFIED IN WIS. STAT. RULE 809.23(3)

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specified in Wis. Stat. Rule 809.23(3).**

Court of Appeals of Wisconsin.

Waushara County

v.

Beatrice Bruning

Waushara County

v.

Beatrice Bruning

2025AP2505, 2025AP2506

|

October 15, 2026

(L.C. # 2024TR1309)

(L.C. # 2024TR1316)

Opinion

Before [Graham](#), P.J.¹

*1 Beatrice Bruning appeals two judgments that adjudicated her guilty of traffic ordinances. Bruning argues that the circuit court erred by addressing disqualification and scheduling issues before it received the remittitur from her prior appeal, *Waushara County v. Bruning (Bruning I)*, No. 2025AP300 (WI App Aug. 7, 2025), and that the proceedings the circuit court held prior to remittitur violated this court's mandate from *Bruning I*.² Having reviewed the briefs and record, I conclude that this case is appropriate for summary disposition. See [Wis. Stat. Rule 809.21](#). I affirm.

By way of background, a sheriff's deputy discovered Bruning's unoccupied vehicle in a ditch one morning in June 2024. Bruning arrived on the scene while the deputy was

present. She indicated that she had lost control of her vehicle earlier that morning, after she swerved to avoid hitting a deer. The deputy observed skid marks on the pavement and the position of Bruning's vehicle, and he concluded that the vehicle had crossed the center line of the road and spun 180 degrees before entering the ditch.

The deputy issued citations to Bruning for violating two county ordinances: one for operating her vehicle left of center and one for failing to keep her vehicle under control. The citation for operating left of center was assigned to Waushara County Case No. 2024TR1309, and the citation for failing to keep the vehicle under control was assigned to Waushara County Case No. 2024TR1316. The two cases were consolidated for purposes of trial.

Bruning challenged both citations, and the consolidated cases went to trial before a circuit court commissioner. Bruning, who represented herself, argued that she was not guilty of either violation because her actions were justified by the emergency doctrine. See generally [Totsky v. Riteway Bus Serv., Inc.](#), 2000 WI 29, ¶¶21-23, 233 Wis. 2d 371, 607 N.W.2d 637. The commissioner determined that the emergency doctrine was inapplicable because Bruning had been driving too fast under the circumstances.

The commissioner found Bruning guilty of failing to keep the vehicle under control. The commissioner entered an order that adjudicated her guilty of the citation in No. 2024TR1316, and imposed a monetary forfeiture for that violation. The commissioner dismissed the citation for operating a vehicle left of center in No. 2024TR1309 because, the commissioner determined, that violation was subsumed by the failure-to-control violation.

Bruning appealed the decision in No. 2024TR1316 to this court, and the County conceded that commissioners do not have statutory authority to “presid[e] over contested traffic and county ordinance trials.” See *Bruning I*, No. 2025AP300, ¶11 (citing Wis. Stat. § 757.69).³ Because the trial had been presided over by a court official who did not have authority to conduct it, this court determined that the order that the commissioner had entered was void. *Id.*, ¶13. Bruning argued that the citation should be dismissed outright due to the error, but she did not provide legal authority to support that request. *Id.*, ¶14. This court remanded to the circuit court “with directions to vacate the commissioner's decision,” and further directed that after the decision was vacated, “the case may proceed in whatever forum the law permits, with one

caveat—if the proceedings necessitate a trial, that trial must be held in the circuit court.” *Id.*

*2 On September 8, 2025, more than a month after the *Bruning I* decision was issued but before the case was remitted to the circuit court, the court held a status conference. Following that hearing, both sitting judges in Waushara County disqualified themselves and filed applications for specific judicial assignment, and the case was assigned to be heard by a circuit court judge from a different county.

Throughout September 2025, both parties filed various documents in the circuit court. Bruning filed a motion to dismiss the case on various grounds including, among other things, that a retrial would violate double jeopardy, and that the court violated the mandate in *Bruning I* by holding the September 8 status conference and addressing judicial disqualification before it formally vacated the commissioner's finding of guilt in No. 2024TR1316. The County responded by submitting a summary of the events of the case to the newly assigned judge, and it explained that it would be asking that No. 2024TR1309 (the citation for operating a vehicle left of center) be reopened, given that the dismissal order was void. Bruning objected to this request by the County, and she lodged other objections to testimony that she anticipated would be presented at a new trial.

On September 29, 2025, the newly assigned circuit court judge presided over a second status conference. During that conference, the court scheduled the trial for October 24, and it indicated that any pending motions would be resolved at the outset of the trial. Following the hearing, Bruning filed a supplemental motion to dismiss because, she argued, “no valid charging instrument exist[ed],” meaning that there was “no lawful basis for the Court to assert jurisdiction” over her case. Bruning asked the court to issue a written vacatur of the commissioner's decision and to dismiss the proceedings.

The record from *Bruning I* was finally remitted to the circuit court on October 2, 2025. That same day, the court entered an order that vacated the commissioner's order from the earlier trial, including the commissioner's finding of guilt in No. 2024TR1316 and the commissioner's dismissal of the citation in No. 2024TR1309. The court directed that both cases be reopened, and that Bruning be refunded any money she had paid with respect to the finding of guilt in No. 2024TR1316.

The following day, Bruning filed several documents including a motion to dismiss. She argued, among other things, that

the circuit court lacked “subject-matter jurisdiction” over the cases because the court had held status conferences prior to the remittitur of the record from *Bruning I*. She also argued that the court violated the mandate from *Bruning I* because “no written order of vacatur has yet been entered” by the court. It is not clear whether Bruning had not noticed the portion of the October 2 order that vacated the commissioner's order, or whether she was arguing that it was inadequate.⁴

*3 At the scheduled motion hearing and trial on October 24, 2025, the circuit court attempted to address Bruning's pending motions. Bruning objected to the motion hearing and trial going forward on the ground that the court dates were scheduled prior to remittitur, before the commissioner's decision from the prior trial was vacated. The court overruled that objection. Turning to the pending motions, Bruning appeared to be arguing that the citations had to be dismissed because two judges recused themselves and the court held status conferences at which scheduling was addressed before the commissioner's decision from the prior trial was vacated. The court implicitly determined that the motion did not provide a basis for dismissing the citations.

The circuit court then proceeded to the contested trial. After hearing the evidence, the court adjudicated Bruning guilty of both violations.

In this appeal, Bruning focuses her argument on two related issues. She argues that the circuit court lacked competency to hold the September 8 and 29 status conferences because remittitur following the *Bruning I* appeal had not yet occurred. And she argues that the court violated the mandate in the *Bruning I* opinion by holding these status conferences before it vacated the commissioner's adjudication of guilt. According to Bruning, either of these errors is of sufficient magnitude to invalidate the trial result.⁵

With respect to Bruning's argument about competency and remittitur, Bruning does not cite any statutes or case law that support her argument.⁶

Although she does not cite these statutes, Bruning's argument could be based on [Wis. Stat. §§ 808.075](#) and [808.08](#). [Section 808.075](#) limits the actions a circuit court can take in a case when an appeal is pending, and the applicable sections do not specifically mention status conferences, disqualification, and scheduling.⁷ [Section 808.08](#), which addresses “[f]urther proceedings in the trial court,” provides: “If a new trial is

ordered, the trial court, upon receipt of the remitted record, shall place the matter on the trial calendar.” Although she does not cite these statutes or any other pertinent authority, Bruning appears to assume that all of the limitations on circuit court action set forth in [§ 808.075](#) continue to apply after an appellate decision is issued up through the date of the remittitur, and that the court lacked competency to address disqualification and scheduling before it received the remittitur.

*4 For purposes of this appeal, I assume without deciding that Bruning's unstated assumptions about the application of [Wis. Stat. §§ 808.075](#) and [808.08](#) are correct, and I also assume that they present a matter of the circuit court's competency. But objections grounded on a court's lack of competency can be forfeited if not timely raised in the circuit court. See [Village of Trempealeau v. Mikrut](#), 2004 WI 79, ¶27, 273 Wis. 2d 76, 681 N.W.2d 190. And here, there is no indication that Bruning objected to the court's competency to address disqualification and scheduling during the September 8 and 29 hearings. It is true that Bruning raised issues regarding the timing of the remittitur during the court proceedings, after remittitur occurred, in her postremittitur motion to dismiss. But that motion came too late for the court to correct any error that it made during the September 8 and 29 status conferences. And by the time Bruning raised the issue in her postremittitur motion to dismiss, the court had undoubtedly regained full competency pursuant to [§§ 808.075](#) and [808.08](#). Under the circumstances, I conclude that Bruning forfeited her challenge to the court's competency to handle issues related to disqualification and scheduling at the September 8 and 29 status conferences.

Appellate courts have inherent authority to overlook a party's forfeiture, but I see no reason to overlook Bruning's forfeiture in this case. My review suggests that, at most, the circuit court may have jumped the gun by addressing disqualification and scheduling before the remittitur occurred. Undoubtedly, once the *Bruning I* decision was issued on August 7, 2025, the court would have anticipated that it would have to hold additional proceedings to address issues including disqualifications and scheduling. It may have been prudent for the court to have held off on taking those routine actions until remittitur occurred on October 2, but Bruning does not identify how she could have been harmed by any premature court action on disqualification and scheduling. She asserts that the procedure “tainted” the trial, but she does not

explain how. Certainly she does not provide a persuasive argument to support a conclusion that the ultimate result of the proceedings (that is, the adjudications of guilt following a bench trial) would be any different if the court had waited until after October 2 to address disqualification and scheduling.

Turning to Bruning's argument about this court's mandate, Bruning again supports her argument with citations to false authority. In any event, I do not agree that the *Bruning I* mandate was violated by the sequence in which the circuit court addressed disqualification, scheduling, and vacatur of the decision in No. 2024TR1316. The *Bruning I* mandate directed the circuit court to vacate the commissioner's decision in No. 2024TR1316, and the court vacated that decision on October 2, 2025. The *Bruning I* mandate also addressed the forum in which further proceedings could occur after the commissioner's decision was vacated, but it did not prohibit the court from addressing routine issues like disqualification and scheduling before the decision was vacated.

Finally, Bruning argues that she is entitled the remedy of dismissal or, if not that, to a new trial in the interest of justice because the real controversy was not tried. Her argument is not persuasive. The case she cites for the proposition that she is entitled to a dismissal with prejudice does not address the concept of dismissal with prejudice at all. See [State ex rel. Dressler v. Circuit Ct. for Racine Cnty.](#), 163 Wis. 2d 622, 630, 472 N.W.2d 532 (Ct. App. 1991). And the argument that she makes in support of the premise that the real controversy here was “whether the [County] could lawfully proceed at all after remand and before vacatur” is unpersuasive. The real controversy was whether the County proved that she violated the county traffic ordinances that she was cited for violating, and those issues were fully tried.

IT IS ORDERED that the judgments of the circuit court are summarily affirmed. See [Wis. Stat. Rule 809.21](#).

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

*5 Samuel A. Christensen Clerk of Court of Appeals

All Citations

Not Reported in N.W. Rptr., 2026 WL 3083883

Footnotes

- 1 This appeal is decided by one judge pursuant to [Wis. Stat. § 752.31\(2\)\(c\)](#) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

On the court's own motion, these appeals were consolidated for briefing and disposition by an order dated December 2, 2025. See [Wis. Stat. Rule 809.10\(3\)](#).

- 2 "Remittitur" refers to the process described in [Wis. Stat. § 809.26](#), in which, after this court disposes of an appeal, the clerk of the court of appeals "remits" this court's decision and the record on appeal to the circuit court. Generally speaking, this court's appellate jurisdiction over the case ceases upon remittitur. [State ex rel. Fuentes v. Court of Appeals, 225 Wis. 2d 446, 593 N.W.2d 48 \(1999\)](#).

- 3 I cite this unpublished opinion consistent with [Wis. Stat. § 809.23\(3\)\(a\), \(b\)](#).

- 4 Bruning's October 3, 2025 motion also argued that the circuit court did not have authority to reopen No. 2024TR1309. But she does not renew that argument in her opening brief on appeal. She may be attempting to raise the argument in her reply brief, but if so, it is too late to make the argument, and I discuss the issue no further. [Swartwout v. Bilsie, 100 Wis. 2d 342, 346 n.2, 302 N.W.2d 508 \(Ct. App. 1981\)](#) ("as a general rule," an appellate court "will not ... consider issues raised by appellants for the first time in a reply brief").

To the extent that Bruning's reply brief addresses other issues that were not argued in her opening appellate brief, including an argument about the adequacy of the record, I likewise decline to address those issues.

- 5 Although Bruning appeals both circuit court cases, the arguments in her opening appellate brief do not address the proceedings or judgment in No. 2024TR1309.

- 6 Bruning's briefs do contain citations to purported legal authority in support of her argument, but some of these citations in her briefs are to legal authorities that do not exist, and other citations are to legal authorities that exist but are wholly unrelated to the proposition for which they are cited. I note that the circuit court cautioned Bruning about false citations and, on appeal, the County raised concerns about some of Bruning's citations in its respondents' brief. Bruning did not acknowledge her error in her reply brief and instead repeats some of the same false citations that were contained in her opening brief.

The inclusion of false legal citations in Bruning's briefing violates [Wis. Stat. Rule 809.19\(1\)\(e\)](#) and [\(4\)\(b\)](#), and it is a significant violation of court rules, especially when done in a repeated manner. Under the circumstances, I considered whether, on this court's own motion, to order Bruning to show cause why she should not be sanctioned for the false citations pursuant to [Rule 809.19\(2\)](#), which provides broad authority to issue sanctions for a failure to comply with this court's rules. In the end, I (continued) decided against issuing such an order in favor of a prompt resolution of this appeal. But I caution Bruning not to repeat this violation in any future filings in this or any court.

I offer an additional note of caution. It could be that the root of the problem is that Bruning used generative AI for legal research and trusted it to provide accurate results. If so, she should be aware that there are many reported instances in which generative AI has hallucinated nonexistent cases and misreported the holdings of existing cases.

- 7 The County argues that the actions were permitted under [Wis. Stat. §§ 808.075](#) and [805.15](#), which address motions for a new trial. But that argument is unpersuasive because Bruning did not receive a new trial as a result of a motion filed under [§ 805.15](#).