

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 26, 2016

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2016AP836

Cir. Ct. No. 2015TR5218

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

COUNTY OF SHEBOYGAN,

PLAINTIFF-RESPONDENT,

V.

LEE F. KLEINHANS,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Sheboygan County:
REBECCA L. PERSICK, Judge. *Affirmed.*

¶1 GUNDRUM, J.¹ Lee Kleinhans appeals pro se from an order finding him guilty of failing to obey an official traffic sign, in violation of WIS. STAT. § 346.04(2). We affirm.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(c) (2013-14).

Background

¶2 Deputy Brian Beernink, of the Sheboygan County Sheriff's Department, cited Kleinhans for failing to obey an official traffic sign, in violation of WIS. STAT. § 346.04(2). A trial to the court was held, at which Beernink testified that on October 30, 2015, he observed Kleinhans approach an intersection, drive around and past staggered barricades, at least one of which had a "Road Closed" sign on it, through the intersection and past another set of barricades on the other side of the intersection. The intersection was under construction, and there were construction workers working in the area at the time. Beernink stopped and cited Kleinhans as noted.

¶3 Kleinhans testified that the barricades were staggered such that they did not completely block the road, and thus a motorist was capable of driving past the barricades, into the intersection, and that he wanted to drive through the intersection to get to a river to take a client fishing, to get to a business in the area, and also to speak with the construction workers about when the road construction project would be completed. Beernink testified that there was another route Kleinhans could have used to get to the business he was trying to reach. The court found that Kleinhans disobeyed the "Road Closed" sign, in violation of WIS. STAT. § 346.04(2), also finding that there was another route by which Kleinhans could have reached the business he was trying to reach. Kleinhans appeals.

Discussion

¶4 In his appellate briefing, Kleinhans fails to develop an argument as to how the circuit court erred. We could affirm for that reason alone. *See Clean Wis., Inc. v. PSC*, 2005 WI 93, ¶180 n.40, 282 Wis. 2d 250, 700 N.W.2d 768 ("We will not address undeveloped arguments."). And while we recognize

Kleinhans is pro se, it is nonetheless inappropriate for us to “abandon our neutrality to develop arguments” for a party. *Industrial Risk Insurers v. American Eng’g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82. Moreover, Kleinhans asserts the circuit court erred when it “made a decision without proper understanding of the MUTDC² manual page and paragraph.” In addition to not developing a legal argument related to this statement, he also never raised any “MUTDC”-related issue before the circuit court and thus forfeited any complaint regarding the court’s failure to consider any such manual.

¶5 WISCONSIN STAT. § 346.04(2) states: “No operator of a vehicle shall disobey the instructions of any official sign or signal unless otherwise directed by a traffic officer.” Here, the evidence supports the circuit court’s finding that Kleinhans violated this statute, and Kleinhans does not even argue to the contrary on appeal. Kleinhans has provided us with no basis for reversing the circuit court’s decision.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

² Although Kleinhans does not make it clear, the County indicates Kleinhans’ use of “MUTDC” is a reference to the “Manual on Uniform Traffic Control Devices.”

