

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

MAY 21, 1996

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

NOTICE

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

No. 95-2504

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

**STATE OF WISCONSIN
EX REL. LEE KNOWLIN,**

Petitioner-Appellant,

v.

**DAVID H. SCHWARZ,
TODD TIMM,
BECKY SENSKE,
JANICE CUMMINGS
and JAMES MURPHY,**

Respondents-Respondents.

APPEAL from a judgment of the circuit court for Brown County:
RICHARD G. GREENWOOD, Judge. *Affirmed.*

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. Lee Knowlin appeals a judgment affirming the revocation of his parole. He argues that the Division of Probation and Parole

lacked personal jurisdiction to conduct a revocation hearing because he was improperly extradited from the State of Arkansas. We reject this argument and affirm the judgment.

After violating many of the conditions of his parole, Knowlin absconded from this state. He was arrested on traffic charges in Arkansas and was held for extradition to Wisconsin. After the Governor of Wisconsin filed an extradition requisition, and the Governor of Arkansas issued a certificate of delivery and extradition warrant, Knowlin filed a pro se motion with the Arkansas court challenging the extradition proceedings. Before the Arkansas circuit court ruled on the motion, jail officials released Knowlin to the custody of Wisconsin officers and Knowlin was returned to Wisconsin where his parole was revoked.

Knowlin challenged the jurisdiction of the Division of Probation and Parole in a certiorari proceeding following revocation. He argued that the Division had no personal jurisdiction because of defects in the extradition proceedings. The trial court followed the procedure used in *Lutchin v. Outagamie County Court*, 42 Wis.2d 78, 84, 165 N.W.2d 593, 595 (1969), and offered Knowlin an opportunity to present any arguments he would have made to the Arkansas court, including the right to test the sufficiency of the extradition papers, his fugitive status and issues of identity. Knowlin declined the opportunity to test the legality of his extradition.

The alleged defects in the extradition proceedings did not deprive the Division of Probation and Parole of jurisdiction to revoke Knowlin's parole. The Division's authority derives from the commitment made in the judgment of conviction and does not depend on the lawfulness of the extradition process. An extradition proceeding is not subject to collateral attack in a revocation proceeding. See *State ex rel. Hanson v. H&SS Dep't*, 64 Wis.2d 367, 374, 219 N.W.2d 267, 271 (1974). To the extent an analogy can be drawn between personal jurisdiction in a criminal action and personal jurisdiction in a revocation proceeding, Knowlin's argument also fails. An illegal arrest and extradition does not divest the trial court of personal jurisdiction where the arrest was made pursuant to a valid warrant. See *State v. Monje*, 109 Wis.2d 138, 147, 325 N.W.2d 695, 700 (1982). Because the division had jurisdiction regardless of the alleged improprieties in the extradition process and Knowlin declined the trial court's offer to raise the issues he could have raised in

Arkansas, we conclude that there is no basis for challenging the parole revocation.

By the Court. – Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.