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DISTRICT III

December 27, 2013

To:

Hon. Edward F. Vlack III
Circuit Court Judge
St. Croix County Courthouse
1101 Carmichael Road
Hudson, WI 54016

Lori N. Meyer
Clerk of Circuit Court
St. Croix County Courthouse
1101 Carmichael Road
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Rodney Warren Cook
2929 Mary Street
Saint Paul, MN 55109

Rosanne Louise Cook
511 Jacobs Ladder Circle
Hudson, WI 54016

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

2012AP89

Rosanne Louise Cook v. Rodney Warren Cook
(L. C. #2009FA557)

Before Hoover, P.J., Mangerson and Stark, JJ.

Rosanne Cook, pro se, appeals numerous issues relating to her divorce. Based upon our review of the briefs and record at conference, we conclude this appeal must be summarily dismissed pursuant to WIS. STAT. RULE 809.83(2)¹ (2011-12).

This matter is procedurally involved and voluminous. Rosanne and Rodney Cook were married in 1994 and divorced in 2010. A temporary order was signed by the Family Court Commissioner on December 29, 2009. Between May 18, 2010, and the final divorce hearing on December 13, 2010, at least seven motion hearings were held, addressing numerous issues

¹ Citations to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

concerning discovery, contempt, sanctions, payment of taxes, and appraisals, among other things. At the conclusion of the final hearing, a judgment of divorce was granted and the matter set for an oral decision.

The circuit court's December 27, 2010 oral decision left open certain property division and maintenance issues. Another hearing was set to address the remaining disputed issues. Rosanne filed a motion for a mistrial that the circuit court construed as a motion for reconsideration and a hearing was set for February 11, 2011. The circuit court then held approximately seven more hearings between February 11 and August 15, 2011. During this time, both parties began representing themselves.

The circuit court issued a Decision and Order on December 9, 2011, finalizing property division on an approximately equal basis, and awarding \$350 monthly maintenance to Rosanne. On January 10, 2012, Rosanne filed an appeal of the December 9 decision and order. Rosanne subsequently filed a petition for waiver of transcript fees. The circuit court denied the petition and we affirmed. *See Cook v. Cook*, No. 2012AP1678, unpublished slip op. (WI Ct. App. May 7, 2013).

In our decision in that appeal, we noted that by order dated November 20, 2011, this court struck Rosanne's appellate brief for substantial noncompliance with the appellate rules. Among the brief's deficiencies was the failure to include record citations. Rosanne conceded that her appeal could not be successfully prosecuted without a transcript of the proceedings. We sua sponte extended the time for Rosanne to file her brief in compliance with the rules.

By order dated December 10, 2012, we struck Rosanne's resubmitted brief for failing to substantially comply with appellate rules, including the lack of any citation to the record on

appeal. We once again sua sponte extended the time to file her appellate brief. We specifically admonished Rosanne that if she failed to timely file a substantially conforming brief, the appeal would be dismissed.

Rosanne's subsequent filing again failed to include any citation to the record, and we noted in our decision that we could therefore summarily dismiss the appeal on that basis alone. However, we noted other deficiencies in Rosanne's appeal. Her arguments were undeveloped and fell below even the liberal threshold for a pro se litigant. Furthermore, although we waived Rosanne's filing fees in this court, we specifically advised Rosanne that it was not a determination of indigency for any other purpose. By order dated August 8, 2012, we also advised Rosanne that to the extent she may have believed this court's waiver of its filing fee should translate to a waiver of the transcript fees she was mistaken. We specifically admonished Rosanne that the appellant must assure a complete record for the issues on review, and missing material is assumed to support the circuit court's decision. See *Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26-27, 496 N.W.2d 226 (Ct. App. 1993).

In her brief in the present appeal, Rosanne once again provides no citations to the record on appeal in the "Procedural Status" and "Statement of Facts" sections. She provides sporadic record citations in her argument section, but where cites are provided, they are generally unattached to a discernable argument.

Moreover, Rosanne's arguments are again incomplete, conclusory and largely unintelligible. Her rambling, incoherent presentation against her former husband, his former attorney and the circuit court defies appellate review. In addition, she appears to request this

court to sit as fact-finder and independently review the record below, contrary to this court's function as an error-correcting court.

Perhaps more importantly, despite filing a voluminous appendix, Rosanne once again fails to provide a transcript of proceedings, despite our prior admonitions. In fact, we recently stated in our order dated August 5, 2013, "WIS. STAT. RULE 809.11 allows an appellant to prosecute an appeal without transcripts at his or her own peril." As emphasized previously, the appellant must provide a complete record, and missing transcripts are assumed to support the circuit court's decision. *Fiumefreddo*, 174 Wis. 2d at 26-27.

Accordingly, we conclude Rosanne's failure to comply with the rules of appellate procedure and this court's orders compels summary dismissal of the appeal. *See* WIS. STAT. RULE 809.83(2).

IT IS ORDERED that the appeal is summarily dismissed.

Diane M. Fremgen
Clerk of Court of Appeals