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DISTRICT III

September 11, 2018

To:

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

2017AP484-CRNM State of Wisconsin v. Glenda M. Parks (L. C. No. 2013CF130)

Before Stark, P.J., Hruz and Seidl, 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).

Counsel for Glenda Parks has filed a no-merit report concluding there is no basis to challenge a judgment of conviction after revocation of probation. Parks has responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967),

we conclude there is no merit to any issue that could be raised on appeal and summarily affirm. *See* WIS. STAT. RULE 809.21 (2015-16).¹

Parks was convicted on two counts of theft in excess of \$10,000.00 from her employer. Parks pleaded guilty to both counts. The circuit court withheld sentence and placed Parks on six years' probation concurrently on each count with six months' jail time and payment of restitution as conditions. Parks' probation was subsequently revoked when her probation agent visited her home and discovered Parks was manufacturing methamphetamine.² On sentencing after revocation, the circuit court imposed three years' initial incarceration and five years' extended supervision on each count, concurrently.

The no-merit report addresses whether the circuit court properly declined to recuse itself from the sentencing after revocation, and whether the circuit court properly exercised its sentencing discretion.³ Parks' response addresses the recusal issue. This court is satisfied that

¹ References to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

² The agent reported that Parks shared the residence with her son, who was also on supervision and was a client of the agent. Upon entering the residence, the agent noticed a distinct odor "of an ammonia-like substance," which the son attributed to his sister cleaning a room the day prior, contending the family was preparing to move. After walking through the main floor, the son guided the agent to the second floor. Upon entering Parks' bedroom, the ammonia-like odor became "overwhelmingly strong," and the agent noticed in plain view "a box of Sudafed, a spoon with white residue, several crushed pseudoephedrine pills, rubbing alcohol, open batteries, burnt aluminum foil, and a soda bottle with a green liquid substance." The agent also noticed in plain view "multiple opened syringes." Parks' urine samples also detected methamphetamine. In addition to materials to manufacture methamphetamine, a subsequent search of the residence revealed methamphetamine and a black pistol. Parks admitted to producing and consuming methamphetamine within her home, and to leaving the State of Wisconsin without her agent's permission.

³ Revocation is independent from the underlying criminal action. *See State ex rel. Flowers v. DHSS*, 81 Wis. 2d 376, 384, 260 N.W.2d 727 (1978). Because this appeal arises from the imposition of sentence after revocation of Parks' probation, she is barred from challenging issues related to the underlying conviction. *See State v. Tobey*, 200 Wis. 2d 781, 784, 548 N.W.2d 95 (Ct. App. 1996).

the no-merit report properly analyzes the issues raised, and we will not further address the issues.⁴

Our independent review of the record discloses no other potential issue for appeal. Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Vicki Zick is relieved of further representing Glenda Parks in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals

⁴ We note, however, that Parks’ response alleging “bias and prejudice” purports to relate to “[s]everal important events [that] have occurred that are not part of my court files,” and the response is otherwise conclusory and speculative.