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DISTRICT IV

September 14, 2018

To:

Hon. Steven G. Bauer
Circuit Court Judge
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Juneau, WI 53039

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Clerk of Circuit Court
Dodge County Justice Facility
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You are hereby notified that the Court has entered the following opinion and order:

2017AP2300

In re the marriage of: Joseph R. Gremminger v. Stacie Rios p/k/a
Stacie J. Snyder and Stacie J. Gremminger (L.C. # 2003FA401)

Before Lundsten, P.J., Sherman and Fitzpatrick, 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).

Stacie Rios appeals a circuit court order denying her motion to modify physical placement of her two children. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1).¹ We affirm.

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

Rios' brief, although 50 pages long, contains no identifiable legal argument and no citations to legal authority, a violation of our appellate rules. *See* WIS. STAT. RULE 809.19(1)(e). Rather, the brief consists of a lengthy series of factual allegations. At least some of these allegations appear to refer to items in Rios' appendix that also appear in the record, but Rios provides no record citations, also a violation of our appellate rules. *See id.*

Best we can tell, Rios disagrees with the circuit court's credibility determinations relating to certain abuse allegations. However, "the [circuit] court is the ultimate and final arbiter of the credibility of witnesses, and we must accept [that] court's credibility determination." *Nicholas C.L. v. Julie R.L.*, 2006 WI App 119, ¶23, 293 Wis. 2d 819, 719 N.W.2d 508. Alternatively, Rios may mean to challenge circuit court factual findings apart from credibility determinations. If so, Rios' briefing does not show that there are any clearly erroneous factual findings. *See id.*, ¶18 ("[F]indings of fact will not be set aside unless clearly erroneous").

We acknowledge the challenges facing pro se litigants, and we have made allowances for those challenges here. But our duty to pro se litigants "does not extend to creating an issue and making an argument for the litigant." *State ex rel. Harris v. Smith*, 220 Wis. 2d 158, 165, 582 N.W.2d 131 (Ct. App. 1998); *see also State v. Pettit*, 171 Wis. 2d 627, 647, 492 N.W.2d 633 (Ct. App. 1992) ("We cannot serve as both advocate and judge.").

Therefore,

IT IS ORDERED that the circuit court's order is summarily affirmed pursuant to WIS. STAT. RULE 809.21(1).

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

Sheila T. Reiff
Clerk of Court of Appeals