

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

August 20, 1998

Marilyn L. Graves  
Clerk, Court of Appeals  
of Wisconsin

**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 § 808.10 and RULE 809.62, STATS.

**No. 97-0817-CR**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**v.**

**RONALD A. KEITH, SR.,**

**DEFENDANT-APPELLANT.**

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APPEAL from an order of the circuit court for Dane County:  
MARK A. FRANKEL, Judge. *Affirmed.*

Before Dykman, P.J., Eich and Deininger, JJ.

PER CURIAM. Ronald Keith appeals from an order denying his motion to vacate his parole. The issues on appeal are whether he is entitled to sentence credit for time served and whether he can simultaneously be on parole and be committed under ch. 980, STATS. Because he did not raise the first issue to

in the trial court, and because he does not offer any legal authority in support of his argument on the second issue, we affirm.

This case has a long and complicated procedural history,<sup>1</sup> much of which is not relevant to the issues being discussed in this appeal. The important facts are that on May 6, 1996, Keith was found to be a sexually violent person under ch. 980, STATS. At that time, he was on mandatory release parole from his conviction for sexual assault. In July 1996, he moved the circuit court to vacate the remainder of his parole, arguing, in essence, that his commitment under ch. 980 was incompatible with his concurrent status as a parolee. The circuit court denied his motion, finding no intrinsic incompatibility between ch. 980 commitment and parolee status. It is from this order that Keith appeals.

Keith's first argument is that he is entitled to sentence credit for time served. A review of the record indicates, however, that he did not raise this issue in his motion before the circuit court. Therefore, he has waived it. *See State v. Dietzen*, 164 Wis. 2d 205, 212, 474 N.W.2d 753, 755 (Ct. App. 1991).

Keith's second argument is that he cannot simultaneously be committed under ch. 980, STATS., and be a parolee subject to the control of the Department of Corrections. Keith does not offer any authority for this proposition and admits there is none. Instead, he asks that we create the authority. Since Keith did not offer any legal authority in support of his position that ch. 980 commitment and parolee status are incompatible, we refuse to consider it. *See*

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<sup>1</sup> *See State v. Keith*, 216 Wis. 2d 61, 573 N.W.2d 888 (Ct. App. 1997), for a discussion of the background leading up to Keith's commitment under ch. 980, STATS.

*W.H. Pugh Coal Co. v. State*, 157 Wis. 2d 620, 634, 460 N.W.2d 787, 792 (Ct. App. 1990). Consequently, we affirm the order of the circuit court.

*By the Court.*—Order affirmed.

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

