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**DISTRICT II**

June 15, 2022

To:

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Circuit Court Judge  
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Electronic Notice

Kristina Secord  
Clerk of Circuit Court  
Walworth County Courthouse  
Electronic Notice

Michael J. Fitzsimmons  
Electronic Notice

Melissa Ann Slagle  
Electronic Notice

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

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2021AP669

Melissa Ann Slagle v. Jayme Robert Isaacson (L.C. #2013FA278)

Before Gundrum, P.J., Neubauer and Grogan, 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).**

Melissa Ann Slagle appeals, pro se, from two circuit court orders in post-divorce proceedings. She claims the circuit court erred when it denied her motion for: (1) contempt against her ex-husband, Jayme Robert Isaacson; and (2) change of venue.<sup>1</sup> Slagle believes the circuit court and the guardian ad litem are not acting in the best interests of the two children involved. Based upon our review of the briefs and record, we conclude at conference that this

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<sup>1</sup> Slagle's motion for change of venue was based on both parties having moved from Walworth County and Slagle's belief that the court commissioner improperly refused to recuse herself.

case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).<sup>2</sup> The issues Slagle raises are discretionary decisions that we cannot properly review without transcripts, which Slagle chose not to provide. Accordingly, we affirm.

Slagle and Isaacson filed a joint petition for divorce in May 2013. The two have two children together. In October 2013, the circuit court entered a judgment of divorce pursuant to a marital settlement agreement. The parties agreed to joint legal custody and shared placement of the children. In early 2017, Slagle decided to move from Wisconsin to Colorado with the children, but Isaacson objected and filed a motion asking the circuit court to prohibit Slagle from moving the children out of state and for modification of custody and placement. The circuit court granted Isaacson's request to prohibit Slagle from moving the children out of state. Slagle moved to Colorado without the children in or around May 2017, and the circuit court adjusted the shared placement orders, so her children could be with her in Colorado from July 17, 2017 through August 8, 2017. However, Slagle failed to return the children to Wisconsin after August 8th, which led the circuit court to find her in contempt, and it ordered her to turn the children over to Isaacson on September 12, 2017. Additionally, the court gave primary placement to Isaacson with Slagle to have two months of summer placement each year and during certain Christmas and spring breaks. Additional conflicts between the parents continued, which resulted in circuit court hearings not relevant here.

Slagle eventually moved back to Wisconsin, which triggered changes in the placement schedule. In August 2020, after a custody study and an evidentiary hearing, the circuit court

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<sup>2</sup> All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

ordered primary placement with Isaacson with Slagle to have placement on “alternating weekends from Thursday through Monday morning” and “dinner visit on the weeks that she does not have placement[.]” The parties continued to have conflicts that brought them back to court.

This appeal arises following the circuit court’s denial of two motions Slagle filed. First, Slagle contends the circuit court erred when it denied her motion for contempt following the March 4, 2021 contempt hearing. Slagle asserted the circuit court should have found Isaacson to be in contempt for violating custody and placement orders. She says that when it denied her motion for contempt, the circuit court ignored all the evidence she presented.

We review a circuit court’s determination on a contempt finding under the erroneous exercise of discretion standard. *See City of Wisconsin Dells v. Dells Fireworks, Inc.*, 197 Wis. 2d 1, 23, 539 N.W.2d 916 (Ct. App. 1995) (reviewing use of contempt power subject to proper exercise of discretion). We do not disturb a circuit court’s findings of fact unless those findings are clearly erroneous. *Shepard v. Circuit Court for Outagamie Cnty.*, 189 Wis. 2d 279, 286, 525 N.W.2d 764 (Ct. App. 1994).

In order to determine whether the circuit court’s findings of fact on its contempt decision were clearly erroneous and whether the court failed to properly exercise its discretion, we need to review a transcript of the contempt hearing. Slagle, however, chose not to provide us with the transcript, and therefore we have nothing to review. Accordingly, we must presume that the circuit court’s findings were not clearly erroneous and that it properly exercised its discretion. *See Duhame v. Duhame*, 154 Wis. 2d 258, 269, 453 N.W.2d 149 (Ct. App. 1989) (“Appellate review is limited to the record before the appellate court, and we will assume in the absence of a

transcript that every fact essential to sustain the trial judge’s exercise of discretion is supported by the record.”).

Second, Slagle contends the circuit court should have granted her motion seeking to change venue because both parties moved out of Walworth County and because, according to Slagle, the court commissioner improperly refused to recuse herself.<sup>3</sup> On April 1, 2021, the circuit court held a hearing on her venue motion, after which it denied Slagle’s motion. The court found that Slagle’s request appeared to be “venue shopping[,]” and it would not be in the best interests of the children to change venue. Whether to grant or deny a motion for change of venue is a discretionary determination, which we review under the erroneous exercise of discretion standard. *State ex rel. West v. Bartow*, 2002 WI App 42, ¶4, 250 Wis. 2d 740, 642 N.W.2d 233. Because the issue Slagle presents involves discretionary review, we need the transcript from the venue hearing in order to assess whether the circuit court should be reversed. As noted above, when an appellant fails to provide the court with the transcript essential to our review, we must presume that the circuit court’s findings were not clearly erroneous and that it properly exercised its discretion. *See Duhamel*, 154 Wis. 2d at 269. Accordingly, we reject Slagle’s contentions and affirm.

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<sup>3</sup> Slagle’s affidavit filed in support of her motion to change venue asserted that the court commissioner should have recused herself because of “her relationship with the law firm the Joint Petitioner, Jayme Isaacson has hired to represent him.” The record reflects that the court commissioner denied Slagle’s request to recuse because “[n]o conflict exists as Mr. Isaacson was not a client while I was at the law firm.” This explanation from the court commissioner also demonstrates that the circuit court’s decision denying the venue motion—at least on the recusal ground—did not constitute an erroneous exercise of discretion.

Therefore,

IT IS ORDERED that the orders of the circuit court are summarily affirmed, pursuant to  
WIS. STAT. RULE 809.21.

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*