

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

MAY 20, 1997

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.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 96-3103

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

**IN THE INTEREST OF BANDAR A., A PERSON UNDER
THE AGE OF 18:**

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

v.

BANDAR A.,

RESPONDENT-APPELLANT.

APPEAL from orders of the circuit court for Dunn County: ERIC J. WAHL, Judge. *Order affirmed; order reversed in part and cause remanded.*

La ROCQUE, J. Bandar A. appeals an order adjudging him delinquent for having been a party to a first-degree reckless homicide and ordering

that he be returned to Saudi Arabia.¹ Because the trial court has no authority to order Bandar's return to Saudi Arabia, that dispositional order is reversed and the cause remanded for redetermination of Bandar's disposition.

The trial court found that Bandar and his brother tortured and killed a relative while they were visiting the United States. The dispositional order provides that "Bandar shall be returned to Saudi Arabia pursuant to appropriate procedures, stayed 60 days." We conclude that this disposition is not allowed by Wisconsin statutes. Section 48.345(11), STATS., allows the governor to commence transfer of a child adjudged delinquent to his home country at the request of the court "if a treaty is in effect between the United States and [the] foreign country." The United States and Saudi Arabia have no such treaty. Therefore, Wisconsin law creates no authority for the juvenile court to order the return of a juvenile to Saudi Arabia.

The State argues that the trial court did not exceed its authority because it ordered Bandar's return to Saudi Arabia "pursuant to appropriate procedures." The trial court acknowledged that it did not have the authority to extradite or deport Bandar but stated that its intention was "to put in motion whatever is necessary" for the Immigration and Naturalization Service or the governor's office to commence proceedings to send Bandar to Saudi Arabia. The trial court also lacks the authority to put these proceedings in motion where there is no treaty. The question whether Bandar will be returned to Saudi Arabia is a

¹ The notice of appeal also purports to appeal a dispositional order committing Bandar for 60 days to the Lincoln Hills juvenile facility on a charge of child abuse. Bandar's brief does not raise any issues regarding that disposition. Therefore, that order is affirmed.

matter for federal authorities. The trial court's authority is limited to ordering a disposition that is allowed by ch. 48, STATS.

By the Court.—Order affirmed; order reversed in part and cause remanded.

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

