

**COURT OF APPEALS  
DECISION  
DATED AND RELEASED**

June 17, 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. 97-0999-NM**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT I**

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

**STATE OF WISCONSIN,**

**PETITIONER-RESPONDENT,**

**v.**

**TASHONIA B.**

**RESPONDENT-APPELLANT.**

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APPEAL from an order of the circuit court for Milwaukee County:  
CHRISTOPHER R. FOLEY, Judge. *Affirmed.*

SCHUDSON, J. Tashonia B. appeals from an order adjudicating her delinquent for the offenses of first-degree intentional homicide while armed and possession of a dangerous weapon by a child. Tashonia's appellate counsel has filed a no merit report pursuant to RULE 809.32, STATS., and *Anders v. California*,

386 U.S. 738 (1967). Tashonia received a copy of the report and was advised of her right to file a response. She has elected not to do so. Upon consideration of the report and an independent review of the record, this court concludes that the appeal raises no issue of arguable merit. Therefore, this court affirms the dispositional order and relieves Attorney Susan E. Alesia of further representing Tashonia in this matter.

Tashonia was convicted of the utterly senseless killing of Albert Thompson, an Ameritech employee, as he sat in an Ameritech van. Tashonia confessed to approaching the van, tapping on the window, and shooting Mr. Thompson in the head when he rolled down the window. The no merit report carefully and thoroughly addresses all possible areas from which issues might arise.

First, the no merit report considers whether the State proved Tashonia guilty beyond a reasonable doubt. This court is persuaded that it did. This court's review of the sufficiency of the evidence dictates that if any possibility exists that the trier of fact could have drawn the appropriate inferences from the evidence adduced at trial, this court may not overturn the verdict. *See State v. Poellinger*, 153 Wis.2d 493, 507, 451 N.W.2d 752, 758 (1990). The record shows that the verdict was premised largely upon various statements that Tashonia made to the police. The jury was entitled to regard those as credible, and they provide an ample evidentiary basis to support the determination.

The no merit report next examines whether the trial court properly admitted Tashonia's statements to the police. This court concludes that no meritorious issue could arise from these rulings. In assessing the voluntariness of a juvenile's statements to police, the trial court examines the totality of the

circumstances. See *In re Shawn B.N.*, 173 Wis.2d 343, 363, 497 N.W.2d 141, 148 (Ct. App. 1992). Here, the trial court carefully considered the attendant circumstances, and this court is persuaded that no meritorious issue could arise.<sup>1</sup>

Next, the no merit report considers the trial court's decision to permit limited television coverage. Public access to Wisconsin courts is provided for in the Wisconsin Constitution, article I, § 7. See *State v. Wilson*, 149 Wis.2d 878, 907, 440 N.W.2d 534, 545 (1989). Here, the trial court severely limited the media's coverage and repeatedly and carefully imposed constraints to insure that the confidentiality of Tashonia, her family and the jurors was maintained. Again, this court concludes that no issue of arguable merit could arise from this point.

The no merit report also addresses a number of discretionary determinations made by the trial court. In each of these instances, the trial court gave adequate reasons to justify its decisions. First, the report discusses the decision not to sequester the jury. See *id.* at 908, 440 N.W.2d at 546. The court made an extensive record on this point. Next, the report addresses the court's decision not to strike two jurors for cause. In each instance, the trial court gave its reasons on the record and concluded that each juror could act in a fair and unbiased manner. See *State v. Zurfluh*, 134 Wis.2d 436, 438, 397 N.W.2d 154, 155 (Ct. App. 1986). The report also addresses a number of evidentiary rulings, none of which could give rise to any issue of arguable merit.

The no merit report next addresses the trial court's refusal to give a lesser included offense instruction. Whether to give such an instruction is a

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<sup>1</sup> This court notes that the trial court held a mid-trial suppression hearing on two of Tashonia's statements and determined that no prejudice redounded to the defense. Again, this court is unconvinced that any meritorious issue could arise from that determination.

question of law, and such instruction is proper only where there exists reasonable grounds in the evidence both for acquittal on the greater charge and conviction on the lesser offense. *See State v. Borrell*, 167 Wis.2d 749, 779, 482 N.W.2d 883, 894 (1992). Here, there was no evidence to support Tashonia's claim that she was coerced into doing the shooting. Therefore, there was no basis to justify the giving of a lesser offense instruction.

The report also considers whether the trial court properly followed the statutory time limits for juvenile cases. It carefully demonstrates that all of the time limits were either followed or properly extended.

Finally, the report considers the trial court's discretion in ordering that Tashonia be placed under state supervision until age twenty-five. Given the egregiousness of Tashonia's acts, this court cannot say that the trial court misused its discretion in rejecting probation and imposing the placement required by § 48.366(1)(a)1, STATS.

Concluding, as this court does, that no issue of arguable merit could arise from this appeal, this court affirms the dispositional order and relieves Attorney Susan E. Alesia of further representing Tashonia in this matter.

*By the Court.*—Order affirmed.

