

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

July 16, 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. 97-1225

STATE OF WISCONSIN

IN COURT OF APPEALS

**IN THE INTEREST OF MATRICE L.R.,
A PERSON UNDER THE AGE OF 18:
STATE OF WISCONSIN,**

PETITIONER-RESPONDENT,

v.

MATRICE L.R.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Kenosha County: S. MICHAEL WILK, Judge. *Affirmed.*

BROWN, J. Matrice L.R. contends that the juvenile court erred when it granted the State's petition to waive her into adult court. Matrice argues that the juvenile court "completely disregarded" the evidence she presented concerning her potential success in the treatment programs available to her within the juvenile system and thus its wavier decision was not in the best interests of the

child and the public. We reject Matrice's analysis of the juvenile court's findings and uphold its ruling.

The State filed a delinquency petition against Matrice on January 16, 1997, charging her with one count of disorderly conduct (a Class B misdemeanor) and one count of recklessly causing bodily harm to a child (a Class E felony). *See* §§ 947.01 and 948.03(3)(b), STATS. The petition contained the following factual allegations. On the afternoon of October 22, 1996, Matrice went to the home of her acquaintance Nakeysha. Matrice spoke with Nakeysha for a short time and then asked to see Nakeysha's eighteen-day-old baby. As Nakeysha turned to hand Matrice the baby, Matrice pulled Nakeysha's hair and tried to strike her. Although Matrice missed Nakeysha, she hit the baby on the face. The blow was hard enough to cause swelling. The petition also alleged that Matrice was sixteen years old at the time of the incident.

Later, in January 1997, the State filed a petition with the juvenile court asking it to waive its jurisdiction. *See* § 938.18, STATS. The three factors supporting this petition included Matrice's age, the seriousness of the offense and her juvenile record—she was previously found delinquent of aggravated battery with a weapon.

The juvenile court held extensive evidentiary hearings on the waiver petition. During the hearings, the State acknowledged that Matrice had successfully completed the supervision associated with her prior delinquency and that she had enjoyed some success in subsequent treatment programs, including grief therapy related to the shooting death of her brother. However, the State emphasized that further treatment options were limited and that because Matrice has "obvious anger problems," it was now important to "protect the community."

Matrice responded by pointing to the report compiled by the county's department of social services which offered that "there are still sufficient services remaining in the juvenile system to address the treatment and rehabilitation needs of Matrice." Moreover, Matrice presented testimony from a local church counselor who explained that Matrice had participated in treatment programs with his organization and that she would be able to participate in an anger management support group in the future. In addition, Matrice presented testimony from a supervisor at the Community Impact Day Treatment Program who testified that Matrice had cooperatively participated in its anger management group and that this organization could provide assistance to Matrice in the future, including parenting and independent living skills to help Matrice with her newborn child.

The juvenile court nonetheless granted the State's petition. It began its analysis by making the following findings pursuant to the criteria set out in § 938.18(5), STATS.

In regard to Matrice's personality, it found that she was not mentally ill or developmentally challenged. The court also noted that she previously had been found delinquent, a matter which involved infliction of serious bodily injury.

Concerning Matrice's attitude, it found that she was generally "age appropriate." The court also noted that she appeared to be taking responsibility for her newborn child and that she had accepted this responsibility on a "voluntary basis."

The court also considered Matrice's past treatment history. It noted that although "anger management has been an issue" for Matrice, she had historically responded to treatment.

Lastly, the court considered the nature of the offense. Here, the court noted that it was a crime against another person, that it was “significantly premeditated” and that it appeared to involve a “vendetta.”

Based on these findings, the court determined that the matter did not involve a “counseling problem” and was something “much more basic.” The court further reasoned that the services and the facilities in the juvenile system would not “do any good” and that concerns of public safety outweighed the benefits which would result from further counseling.

A juvenile court’s decision concerning waiver under § 938.18, STATS., is discretionary. *See J.A.L. v. State*, 162 Wis.2d 940, 960, 471 N.W.2d 493, 501 (Ct. App. 1991).¹ This court’s analysis is confined to whether the juvenile court misused that discretionary authority. *See id.* We examine whether the court’s decision is reasonably supported by the record and whether the court delineated the reasons for its decision. *See id.* at 961, 471 N.W.2d at 501.

Matrice bases her charge that the court misused its discretion on the following statement:

I question whether or not this act of vendetta is an anger issue; it seems very premeditated, would suggest that you have a very poor potential for responding to future treatment.

Matrice argues that this statement shows that the “court concluded that Matrice R. was guilty of the allegation, thus she was not treatable and should be waived.” She cites *State v. Kraemer*, 156 Wis.2d 761, 764, 457 N.W.2d 562, 563 (Ct. App.

¹ In *J.A.L. v. State*, 162 Wis.2d 940, 960, 471 N.W.2d 493, 501 (Ct. App. 1991), the court addressed a predecessor to § 938.18, STATS. The differences between the current statute and its predecessor do not affect our analysis.

1990), and argues that the court's failure to "consider all the statutory waiver criteria" demands that we reverse its decision.

We reject Matrice's claim for the simple reason that it is not supported by the record. As we illustrated above, the court did consider the relevant criteria under § 938.18, STATS. Although the court made oral findings, and we acknowledge that its analysis was not as categorical as our description suggests it was, the court nevertheless considered all of the important criteria under § 938.18. Matrice's allegation that the court disregarded relevant information is not supported.

Moreover, with specific regard to Matrice's charge that the court "made a factual finding that a vendetta was the motive for Matrice R.'s acts," we observe that the court noted in its analysis that "I don't know what kind of counseling you need if *this allegation is true*" (Emphasis added.) This statement certainly demonstrates that the court understood that the factual allegations concerning Matrice's behavior were just that—allegations. Matrice's claim that the court was somehow convinced about her guilt is also not supported by the record.

In conclusion, our review of the record demonstrates that the juvenile court considered the relevant information and examined the required criteria. And based on these criteria, it reached a rational conclusion that it should waive jurisdiction over Matrice. We affirm its decision.

By the Court.—Order affirmed.

This opinion will not be published. See RULE 809.23(1)(b)4, STATS.

