

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

February 18, 1999

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. 98-1809-CR**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**v.**

**JACOB J. BROWN,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment and an order of the circuit court for Rock County: EDWIN C. DAHLBERG, Judge. *Affirmed.*

Before Eich, Vergeront and Deininger, JJ.

PER CURIAM. Jacob J. Brown appeals his judgment of conviction for armed robbery and an order denying his motion for postconviction relief. He claims the trial court lacked competency to proceed to judgment because it had not yet entered a written order memorializing its bench decision to waive juvenile jurisdiction at the time the criminal complaint was filed. We conclude, however,

that Brown's subsequent guilty plea waived any objection to the trial court's competency. Accordingly, we affirm.

The relevant facts are undisputed. The State filed a delinquency petition charging Brown with armed robbery and sought to waive Brown into adult court. A waiver hearing was held at 11:00 a.m. on August 19, 1997. After testimony and arguments had been presented, the court orally pronounced that it was ordering waiver of its juvenile court jurisdiction. The prosecutor then asked to file the criminal complaint and proceed directly to the initial appearance in criminal court. Brown informed the court that he also wished to proceed, and the court did so. As a result, the written order waiving jurisdiction was not entered until 4:09 p.m., several hours after the criminal complaint had been filed and Brown's initial appearance had been held.

Brown pleaded guilty to the armed robbery charge on October 27, 1997, and was sentenced to ten years in prison on December 18, 1997. Brown raised the issue of the court's competency to proceed for the first time in a postconviction motion filed on May 1, 1998. The circuit court denied the motion and Brown appeals.

It is well established that entry of a guilty plea acts to waive all objections and defenses which may be waived. *See, e.g., State v. Kazee*, 192 Wis.2d 213, 219, 531 N.W.2d 332, 334 (Ct. App. 1995). The parties agree that the issue Brown presents is whether the circuit court had competency to proceed on a criminal complaint filed against a juvenile prior to the formal entry of a written order waiving juvenile court jurisdiction. We agree with the State that, unlike objections to subject matter jurisdiction (in this case, the court's power to hear a complaint charging armed robbery), objections to the competency of the court to

proceed on a particular case before it may be waived. *K.K. v. State*, 153 Wis.2d 245, 248, 450 N.W.2d 498, 499 (Ct. App. 1989). Therefore, we conclude that Brown waived his right to review of the trial court's competency when he pleaded guilty.

While it is true that, because waiver is an administrative rule, this court may exercise its discretion to consider waived issues, *id.*, this is not an appropriate case in which to do so. As the State points out, the waiver rule exists to avoid unnecessary appeals, reversals and new proceedings by allowing lower courts the opportunity to correct errors brought to their attention in a timely manner. *State v. Holt*, 128 Wis.2d 110, 124, 382 N.W.2d 679, 686 (Ct. App. 1985). If the defendant had objected to the filing of the criminal complaint prior to the entry of the juvenile waiver order, instead of agreeing to proceed directly to the initial appearance, the court could have remedied the problem in a matter of minutes.

*By the Court.*—Judgment and order affirmed.

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

