

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**December 6, 2005**

Cornelia G. Clark  
Clerk of Court of Appeals

**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 WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2005AP1921**

**Cir. Ct. No. 2004JV169**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT III**

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

**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**v.**

**DANIEL R.,**

**DEFENDANT-APPELLANT.**

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APPEAL from an order of the circuit court for St. Croix County:  
SCOTT R. NEEDHAM, Judge. *Affirmed.*

¶1 CANE, C.J.<sup>1</sup> Daniel R. appeals a dispositional order finding him delinquent for disorderly conduct, contrary to WIS. STAT. § 947.01. He contends

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2). All references to the Wisconsin Statutes are to the 2003-04 version unless otherwise noted.

there was insufficient evidence to find him delinquent for that offense. This court rejects Daniel's argument and affirms the order.

¶2 On June 22, 2004, Village of Baldwin Police Officer Kelly Hanson responded to a report of juveniles disturbing customers in front of a movie store. One of the juveniles, Michael C., was arrested and placed in the back seat of Hanson's squad car. While there, he was screaming and hitting the windows. Daniel approached the squad car and began yelling at Michael and making hand gestures. Michael responded by yelling back and hitting the windows. According to Hanson, Daniel's conduct was provoking nearby juveniles, who were yelling and were beginning to move closer to the squad car. Hanson described the scene as a "small riot," with approximately forty juveniles in the area. Hanson told Daniel to leave and not come back.

¶3 Initially, Daniel left the scene, but he later returned with his camera phone and began taking pictures of Michael sitting in Hanson's squad car. Hanson again told Daniel to leave, but Daniel refused, yelling that he could do whatever he wanted. The nearby crowd of juveniles again responded to Daniel's conduct, requiring Hanson to escort Daniel a few blocks away from the scene. While being escorted, Daniel called his mother, and Hanson spoke with her and told her to pick up her son.

¶4 On July 29, the State filed a petition alleging that Daniel was delinquent for disorderly conduct occurring on June 22. After fact-finding hearings on December 20 and January 27, the court found Daniel delinquent. Daniel appeals.

¶5 Where a defendant claims there was insufficient evidence for a conviction, an appellate court may only reverse if the evidence, viewed most

favorably to the State, is so insufficient that no fact-finder, acting reasonably, could find guilt beyond a reasonable doubt. *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Disorderly conduct is defined in WIS. STAT. § 947.01 as follows:

Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a Class B misdemeanor.

¶6 Daniel argues that, at most, he was guilty of personally annoying Hanson. He also argues that he is being persecuted for having the nerve to take pictures of the incident. We reject these arguments.

¶7 When Daniel arrived at the scene, Michael was detained in a squad car and was not being cooperative. Daniel approached this situation and further agitated Michael and the nearby crowd of juveniles by yelling and gesturing at Michael. Hanson gave Daniel an opportunity to leave, which he initially took, only to return to take photographs and continue provoking the crowd. The court could reasonably conclude that Daniel's yelling and gesturing at Michael, along with photographing him, was disorderly and tended to cause a disturbance where Michael was in custody and not cooperating with police officers and where there was a nearby crowd of unruly juveniles reacting to Daniel's behavior.

*By the Court.*—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

