

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**March 28, 2006**

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. 2005AP2930-FT**

**Cir. Ct. No. 2004JV32**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT III**

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**IN THE INTEREST OF CAMERON D., A PERSON UNDER THE AGE OF 17:**

**STATE OF WISCONSIN,**

**PETITIONER-RESPONDENT,**

**v.**

**CAMERON D.,**

**RESPONDENT-APPELLANT.**

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APPEAL from orders of the circuit court for Pierce County:  
ROBERT W. WING, Judge. *Affirmed.*

¶1 CANE, C.J.<sup>1</sup> Cameron D. appeals a dispositional order requiring him to register as a sex offender and an order denying his motion to stay that registration. He contends the circuit court erroneously exercised its discretion because it failed to apply proper legal standards and use a rational reasoning process when reaching its decision. This court disagrees and affirms the orders.

¶2 Cameron was adjudicated delinquent for second-degree sexual assault of a child, contrary to WIS. STAT. § 948.02(2). The victim was Cameron's eight-year-old brother, with whom Cameron had anal intercourse. According to a report attached to the complaint, Cameron raped his brother on a total of five occasions. He also raped another child at a park twice. As part of the court's disposition, Cameron was required to register as a sex offender.

¶3 Several months after the disposition, Cameron moved to stay the registration requirement on two bases. First, he alleged that he was progressing in his court-ordered treatment. Second, he alleged that a new law would permit police to release information about juveniles who are registered as sex offenders when necessary to protect the public. He claimed that releasing any information would have negative consequences for him. The circuit court rejected Cameron's arguments, and Cameron appeals.

¶4 Juveniles are required to register as sex offenders under certain circumstances. *See* WIS. STAT. §§ 301.45(1m) and 938.34(15m). However, in *State v. Cesar G.*, 2004 WI 61, ¶40, 272 Wis. 2d 22, 682 N.W.2d 1, our supreme

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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. This is an expedited appeal under WIS. STAT. RULE 809.17.

court interpreted WIS. STAT. § 938.34(16) as permitting a court to stay sex offender registration. Our supreme court listed several factors a court should consider when determining whether to grant a stay. *Id.*, ¶¶49-50. Those factors are: the seriousness of the offense; the ages of the juvenile and the victim at the time of the violation; the relationship between the victim and the juvenile; whether the violation resulted in bodily harm to the victim; whether the victim suffered from a mental illness or mental deficiency that rendered him or her incapable of understanding or evaluating the consequences of his or her actions; the probability that the juvenile will commit another violation in the future; and any other factor that the court determines to be relevant to the particular case. *Id.* The juvenile has the burden of proving by clear and convincing evidence that based on these factors a stay should be granted. *Id.*, ¶51.

¶5 Cameron's first claim is that the court applied an incorrect standard of law when denying his motion. He argues the court assumed that sex offender registration could only be stayed for persons younger than Cameron, thereby imposing an arbitrary age requirement. He also contends the court believed that sex offender registration is required "whenever the future is not certain."

¶6 Cameron seizes upon isolated statements by the circuit court and attempts to interpret alternative meaning from them. Having reviewed the transcripts, this court concludes that Cameron mischaracterizes the circuit court's statements. The court did not state that thirteen-year-olds are categorically ineligible for a stay of sex offender registration. The statements upon which Cameron focuses merely distinguished exploratory behavior or "playing doctor," as the court stated, from predatory behavior that endangers the community. The court concluded that Cameron posed a danger to the community.

¶7 Also unsupported by the record is Cameron's assertion that the circuit court believed sex offender registration could not be stayed unless the juvenile was certain not to re-offend. The comments upon which Cameron relies relate to his arguments about the notification law, which allegedly would permit police to notify the public about juvenile sex offenders. Cameron's expert witness opposed the law and testified that registration, combined with the notification law, could be harmful to juvenile sex offenders and would not reduce the risk of harm to the community. The court found the expert's testimony on the effects of the legislation to be speculative and concluded that such policy concerns had been resolved by the legislature. This reference to speculation about the effects of the notification law does not suggest the court believed that staying sex offender registration is only appropriate where there is no uncertainty about whether a juvenile will re-offend. The court was instead articulating that it would not second-guess the legislature's judgment in enacting the notification law.

¶8 Cameron's second claim is that the court failed to use a demonstrated reasoning process to reach its conclusions. Notably, Cameron does not contest the court's application of the *Cesar* factors, nor does he argue that he met his burden of proving that a stay was appropriate based on those factors. Instead, he simply argues that the court's refusal to stay sex offender registration does not make sense. He argues that the court refused to stay sex offender registration because of Cameron's untreated status, and in doing so, overlooked the fact that Cameron was undergoing sex offender treatment. However, the court specifically considered Cameron's argument that he was making progress in treatment. In reference to the lack of evidence regarding Cameron's alleged progress, the court noted that if Cameron had completed treatment and there was convincing evidence that he was a low risk to re-offend, it might reconsider the

sex offender registration requirement. The fact that Cameron was in treatment did not require the court to stay sex offender registration. Thus, this court is satisfied that the trial court reasonably exercised its discretion when denying Cameron's motion to stay his sex offender registration.

*By the Court.*—Orders affirmed.

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

