

**COURT OF APPEALS
DECISION
DATED AND FILED**

January 19, 2011

A. John Voelker
Acting 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. 2010AP1796

Cir. Ct. No. 2009JV41

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

IN THE INTEREST OF JUSTIN J., A PERSON UNDER THE AGE OF 17:

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

v.

JUSTIN J.,

RESPONDENT-APPELLANT.

APPEAL from orders of the circuit court for Marinette County:
DAVID G. MIRON, Judge. *Affirmed.*

¶1 HOOVER, P.J.¹ Justin J. appeals a dispositional order and an order denying postdisposition relief. Justin asserts the circuit court erred by ordering

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2). All references to the Wisconsin Statutes are to the 2007-08 version unless otherwise noted.

him to serve thirty days in secure detention. Because we conclude the circuit court properly exercised its discretion, we affirm.

BACKGROUND

¶2 The State's petition alleged Justin delinquent on two counts of disorderly conduct and two counts of misdemeanor battery. The petition was based on two separate incidents. In the first incident, Justin, while arguing with his father's girlfriend, grabbed a screwdriver and made a stabbing motion towards her. When she tried to take the screwdriver away, he pulled her hair, bit her, and kicked her. The second incident occurred just weeks later, when Justin punched a girl after she pushed him away from her friend. Once the girl was on the ground, Justin hit her five more times. The girl suffered contusions and a broken nose.

¶3 At a plea and dispositional hearing, Justin was adjudicated delinquent on two counts—the battery involving the girl and the disorderly conduct involving his father's girlfriend. The court dismissed and read in the disorderly conduct allegation involving the girl and dismissed outright the battery allegation involving his father's girlfriend.

¶4 The parties jointly recommended the circuit court follow the Marinette County Health and Human Services Department's recommendation of one year supervision with no out-of-home placement. The parties added an additional joint recommendation of thirty days' secure detention to be imposed and stayed to act as an incentive for Justin to behave.

¶5 The circuit court ordered Justin placed in shelter care for up to one year and ordered thirty days in secure detention with an additional thirty days imposed and stayed. In making its determination, the court noted it was concerned

with protecting the community, rehabilitation, and punishment. The court characterized the attacks as violent and not isolated incidents and specifically mentioned how Justin's attack had affected the girl. The court considered Justin's behavioral problems as outlined by his mother and father in the dispositional report as well as his prior contact with juvenile authorities. The court also noted Justin had been receiving services through the Discoveries Program when these incidents occurred. Finally, the court said:

Justin, this kind of behavior has to stop. I don't know what's going on with you, but this has to stop.

The whole point of this, although there is some punishment aspect of this, the balance of this is all rehabilitative. Everything once you get to Crossroads is all simply rehabilitative to make sure that you change and this kind of stuff stops. It should never, ever happen again.

You need to learn the proper ways of controlling your anger and you cannot get involved in these kind of attacks on other people like you've been doing for the past, you know, who knows how long.

¶6 Justin filed a postdisposition motion regarding the thirty days in secure detention and the additional imposed and stayed time. The circuit court modified its disposition in part, removing the thirty days that was imposed and stayed. However, the court upheld the initial thirty days' secure detention.

DISCUSSION

¶7 On appeal, Justin argues the circuit court erroneously exercised its discretion when it ordered him to serve thirty days in secure detention, which is the maximum for a juvenile adjudicated delinquent. Justin also asserts the circuit court failed to provide any reasoning for placement in secure detention.

¶8 A circuit court’s dispositional order is reviewed for an erroneous exercise of discretion. *State v. Richard J.D.*, 2006 WI App 242, ¶5, 297 Wis. 2d 20, 724 N.W.2d 665. In fashioning a disposition, the circuit court must consider “the seriousness of the offense, the need to protect citizens from juvenile crime, the need to prevent further delinquent acts, and the juvenile’s need for care and treatment.” *Id.*, ¶13.

¶9 A circuit court is not required to specifically state the reasons for each component of a disposition. *Id.*, ¶12 (citing *State v. Taylor*, 2006 WI 22 ¶30, 289 Wis. 2d 34, 710 N.W.2d 466). Rather, in determining a disposition, the court need only “put forth a ‘rational and explainable’ chain of reasoning based on facts in the record.” *Richard J.D.*, 297 Wis. 2d 20, ¶12.

¶10 In this case, the factors the court considered and its statements show that the court used a “rational and explainable” process to determine the thirty days’ secure detention. The court noted the serious nature and timing of Justin’s offenses—both were violent incidents that occurred one after the other. The court observed Justin’s attack on the juvenile girl caused her to fear going to school and undergo reconstructive surgery. The court stated that although this was Justin’s first official delinquent adjudication, he had been previously referred to juvenile authorities and participated in a deferred prosecution agreement. Additionally, the court noted these offenses occurred while Justin was already receiving services through the Discoveries Program and commented these services were evidently not working. Finally, the court outlined his parents’ concerns with his behavior.

¶11 After making these observations, the court explained to Justin that in-home placement was not working and, as a result, the court was going to place Justin in shelter care so that he could be rehabilitated. The court also explained it

was placing Justin in secure detention for thirty days to serve as a punishment for his actions. These statements demonstrate that the court adequately reasoned and explained why Justin needed to be placed in secure detention for a period of time. Although the court did not specifically address why it chose thirty days as opposed to a lower number, it was not required to give its reasons with that degree of specificity. *See Richard J.D.*, 297 Wis. 2d 20, ¶12. Therefore, we conclude the circuit court properly exercised its discretion when pronouncing the disposition.

By the Court.—Orders affirmed.

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

