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**DISTRICT III**

February 6, 2018

To:

Hon. Joseph D. Boles  
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D. R. J.  
c/o N. C.  
519 East Elm St.  
River Falls, WI 54022

You are hereby notified that the Court has entered the following opinion and order:

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2017AP1827-NM            State v. D. R. J. (L. C. No. 2016JV6)

Before Seidl, J.<sup>1</sup>

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Counsel for D.R.J. has filed a no-merit report concluding there is no arguable basis for challenging an order finding D.R.J. delinquent for causing a child to expose his genitals. D.R.J. was advised of his right to respond to the report and has not responded. Upon our independent

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable basis for appeal.

The delinquency petition charged D.R.J. with sexual assault of a thirteen-year-old child with cognitive difficulties. The victim reported that D.R.J. told him to take out his penis, which D.R.J. then touched with his hand and mouth. After a trial to the circuit court, the court found insufficient evidence to support the sexual assault charge, but it found D.R.J. delinquent for causing the victim to expose his genitals. The court imposed a jointly recommended disposition, placing D.R.J. on supervision for one year with placement at the foster home where D.R.J. lived prior to the delinquency petition.

The record discloses no arguable basis for challenging the sufficiency of the evidence to support the circuit court's finding. This court must affirm the verdict unless the evidence, viewed most favorably to the State, is so insufficient in probative value and force that no reasonable trier of fact could have found guilt beyond a reasonable doubt. *See State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Without any hearsay objection, the victim's video-recorded interview with social workers was introduced into evidence. Although the record does not show the circuit court complied with the procedures set out in WIS. STAT. § 908.08, the recording appears to be admissible under WIS. STAT. § 908.03(24) based on its high degree of reliability. *See State v. Snider*, 2003 WI App 172, ¶15, 266 Wis. 2d 830, 668 N.W.2d 784. The recording shows no suggestive questioning or pressure, and the victim was subject to cross-examination at the trial. As the arbiter of the witnesses' credibility, the circuit court could believe all or part of the victim's account of the incident. *See State v. Toy*, 125 Wis. 2d 216, 222, 371 N.W.2d 386 (Ct. App. 1985). The victim's account of the incident is sufficient to support the finding that D.R.J. caused him to expose his penis.

The record also discloses no arguable basis for challenging the dispositional order. A jointly recommended disposition cannot be challenged on appeal. *State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989).

Our independent review of the record discloses no other potential issue for appeal. Therefore,

IT IS ORDERED that the order is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Gregory Bates is relieved of his obligation to further represent D.R.J. in this matter. WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Diane M. Fremgen*  
*Acting Clerk of Court of Appeals*