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DISTRICT I

January 7, 2020

To:

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I. E. N.

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

2019AP184-NM	State v. I.E.N. (L.C. # 2017JV593)
2019AP185-NM	State v. I.E.N. (L.C. # 2016JV608)

Before Kessler, J.

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).

I.E.N. appeals orders in these appeals changing his placement to the Department of Corrections at Lincoln Hills for one year. The appeals have been consolidated for disposition. I.E.N.'s appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32, and *Anders v. California*, 386 U.S. 738 (1967). I.E.N. was notified that his appellate counsel filed a no-merit report and was advised of his right to file a response, but he has not responded. After considering the no-merit report and conducting an independent review of the record, we

conclude that there are no issues of arguable merit that could be raised. We summarily affirm the circuit court's orders. *See* WIS. STAT. RULE 809.21 (2017-18).¹

I.E.N. was adjudicated delinquent for one count of armed robbery with threat of force. While I.E.N. was under supervision in that case, he was adjudicated delinquent in a second case for two counts of theft with special circumstances and one count of possession of a firearm by a person previously adjudicated delinquent for a crime that would have been a felony had it been charged in adult court. I.E.N. was placed in an unlocked residential facility. I.E.N. absconded from supervision shortly after arriving. The State then moved to change I.E.N.'s placement to the Department of Corrections. The circuit court granted the State's motion after an evidentiary hearing.

The no-merit report first addresses whether the circuit court complied with the applicable statutory time limits. *See* WIS. STAT. § 938.315. We are satisfied that the no-merit report properly analyzes any potential issues premised on this ground as without arguable merit. Therefore, we do not discuss this potential issue further.

Next, the no-merit report addresses whether the circuit court properly exercised its discretion when it revised the disposition orders to place I.E.N. with the Department of Corrections at Lincoln Hills. "In determining a disposition, the court is to 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 needs for care and treatment." *See State v. Richard J.D.*, 2006 WI App 242, ¶13, 297 Wis. 2d 20, 724 N.W.2d 665; *see also* WIS. STAT.

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

§§ 938.355(1), 938.01(2) and 938.34. We will affirm a circuit court's order changing a juvenile disposition if the circuit court properly exercises its discretion. *See Richard J.D.*, 297 Wis. 2d 20, ¶12.

Here, when the circuit court changed I.E.N.'s disposition, the circuit court considered the fact that I.E.N. had twice absconded from his prior unlocked placement and had made up an unbelievable story about being abducted by an unknown person in an attempt to avoid consequences for his decision to leave his court-ordered placement. The circuit court noted that I.E.N.'s offenses were very serious because they involved firearms and theft of firearms. The circuit court also discussed I.E.N.'s need for treatment and ultimately concluded that a secure placement was necessary because I.E.N. was a threat to the community. Moreover, the circuit court concluded that a secure placement was the only way to ensure that I.E.N. did not again abscond. The circuit court considered the appropriate legal standards as applied to the facts of this case and reached a rational, explainable decision. *See Richard J.D.*, 297 Wis. 2d 20, ¶¶12-14. Because the circuit court properly exercised its discretion, there are no issues of arguable merit based on the circuit court's decision changing I.E.N.'s placement.

Our review of the record discloses no other potential issues for appeal. Accordingly, we accept the no-merit report, affirm the circuit court's orders and discharge appellate counsel of the obligation to represent I.E.N.

IT IS ORDERED that the dispositional orders are summarily affirmed. *See WIS. STAT. Rule 809.21.*

IT IS FURTHER ORDERED that Attorney Gregory Bates is relieved from further representing I.E.N. *See WIS. STAT. RULE 809.32(3).*

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

Sheila T. Reiff
Clerk of Court of Appeals