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DISTRICT I

September 21, 2021

To:

Hon. Paul C. Dedinsky
Circuit Court Judge
Electronic Notice

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C. C. H.

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

2020AP1029-NM State of Wisconsin v. C.C.H. (L.C. # 2018JV402)

Before Dugan, J.¹

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).

Attorney Michael Holzman, appointed counsel for C.C.H., filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20),² and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided C.C.H. with a copy of the report, and both counsel and this court advised him

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2019-20).

² All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

of his right to file a response. C.C.H. has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record as mandated by *Anders*, we conclude that there is no arguable merit to any issue that could be raised on appeal.

C.C.H. was alleged to be delinquent on the basis of having committed sexual intercourse with a child under the age of twelve. After a trial to the court, the court found C.C.H. delinquent. As disposition, the court placed him at home for one year with conditions of supervision.

The no-merit report addresses whether the evidence was sufficient to support the court's finding of delinquency. Without attempting to recite the evidence in detail here, the video statement and testimony of the victim were not inherently incredible and, if believed, supported the elements of the charge. Credibility of witnesses is for the trier of fact. *State v. Poellinger*, 153 Wis. 2d 493, 504, 451 N.W.2d 752 (1990). Therefore, there is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erred in denying C.C.H.'s motion for an in camera inspection of the complainant's school and mental health records. Applying relevant law as described in the no-merit report, the circuit court concluded that C.C.H. had not presented any specific information that these records would contain relevant information. This was an accurate assessment of his motion and argument. Therefore, there is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erred by denying C.C.H.'s motion to dismiss the delinquency petition because the petition was not filed within twenty days after the filing of the intake worker's request, as required by WIS. STAT. § 938.25(2). At a hearing on the

motion, the State provided a copy of the intake worker's request showing that although it was dated by the intake worker on June 5, 2018, it was not received by the district attorney's office until the following day. C.C.H. did not offer evidence to the contrary. The court concluded that the twenty-day period ran from receipt by the district attorney's office and, therefore, based on the date that this request was received there, the petition was timely filed. There is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erroneously exercised its discretion in what counsel refers to as "sentencing" of C.C.H, but is more properly described as a dispositional order. The court based its disposition decision on factors such as the impact of C.C.H.'s conduct on the victim and family members, his character, the risk of him re-offending, and the support of his parents. The court considered appropriate factors, did not consider inappropriate factors, and reached a reasonable decision. There is no arguable merit to a claim that the court erroneously exercised its discretion.

Our review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Holzman is relieved of further representation of C.C.H. in this matter. *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