



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT III

March 17, 2026

To:

Hon. John P. Zakowski
Circuit Court Judge
Electronic Notice

Whitney J. Davister
Juvenile Clerk
Brown County Courthouse
Electronic Notice

Kathilynne Grotelueschen
Electronic Notice

Kimberly A. Hardtke
Electronic Notice

S. C. H.

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

2024AP2522-NM State of Wisconsin v. S. C. H. (L. C. No. 2023JV225)

Before Gill, 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).

S.C.H. (“Sam”) appeals an order finding him delinquent for having committed the crime of first-degree sexual assault, contrary to WIS. STAT. § 948.02(1)(e).² Sam’s appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Sam received a copy of the report and was advised of his right to file a response, but

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

² A pseudonym has been assigned to the appellant in this matter, both for ease of reading and to protect the confidentiality of the proceedings.

he has not done so. After considering the report and conducting an independent review of the record as mandated by *Anders*, this court concludes that there is no arguable merit to any issue that could be raised on appeal. Therefore, the order of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

A delinquency petition was filed alleging that Sam committed first-degree sexual assault of a child under the age of 13. After a factfinding hearing, the circuit court found that Sam committed the offense alleged. The case was set for a dispositional hearing, and a dispositional report was filed. The dispositional report recommended that Sam remain under court supervision for 2 years, be placed in juvenile detention for 1 year, and complete 80 hours of community service.

The State took the position at the dispositional hearing that the circuit court should adopt the recommendations in the dispositional report, but it also requested that Type 2 placement be imposed and stayed. *See* WIS. STAT. § 938.539. In addition, the State requested that Sam be required to register as a sex offender for 15 years. At the dispositional hearing, Sam asked that the court adopt the recommendations set forth in the dispositional report. Ultimately, the court ordered Sam to remain under court supervision for 2 years, with placement in his home, and to complete 80 hours of community service. The court also ordered sex offender registration for a period of 15 years, as well as 365 days of secure juvenile detention, but it stayed those portions of the order for two years, pending Sam's successful completion of the dispositional order. The court explained that, if Sam satisfied the conditions of the dispositional order, he would not be required to serve 365 days of secure detention or to register as a sex offender.

The no-merit report discusses whether there are any arguably meritorious grounds on which to challenge the finding of delinquency or seek a new factfinding hearing. This court will uphold a juvenile delinquency adjudication “unless the evidence, viewed most favorably to the [S]tate and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990).

To prove Sam delinquent of first-degree sexual assault of a child under age 13, the State was required to prove that: (1) Sam had sexual contact with the victim; and, (2) the victim was under 13 years old at the time of the alleged sexual contact. *See* WIS JI—CRIMINAL 2102E. The evidence presented at the factfinding hearing was sufficient to prove each of these elements beyond a reasonable doubt. In its oral decision at the conclusion of the factfinding hearing, the circuit court discussed in detail the victim’s testimony regarding the sexual assault and found the victim to be credible. When required to make factual findings, the circuit court determines the credibility of the witnesses and the weight to be given to their testimony, and generally, its determinations will not be disturbed on appeal. *State v. Turner*, 114 Wis. 2d 544, 550, 339 N.W.2d 134 (Ct. App. 1983). Nothing in the record or the no-merit report gives this court reason to second-guess the circuit court’s factual findings, which relied heavily on credibility determinations. There would be no arguably meritorious ground on which to challenge the finding of delinquency or seek a new factfinding hearing.

The no-merit report next addresses whether there would be arguable merit to an appellate challenge to the disposition. This court reviews a juvenile court’s disposition 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. Here, the circuit court received and reviewed the dispositional report, considered

the arguments of both parties at the dispositional hearing, and imposed a disposition that was lawful under WIS. STAT. § 938.34. Pursuant to *State v. Cesar G.*, 2004 WI 61, ¶2, 272 Wis. 2d 22, 682 N.W.2d 1, the circuit court had discretion under § 938.34(16) to stay that part of the dispositional order requiring Sam to register as a sex offender. In addition, the court had discretion under § 938.34(15m) to provide that Sam be released from the requirement to comply with the registry reporting requirements upon satisfying the conditions of the dispositional order. Because the court's decision was based on the facts of this case and the appropriate legal standards, and because the court's thorough oral decision shows that it properly exercised its discretion, there would be no arguable merit to a challenge to the disposition.

This court's independent review of the record discloses no potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the delinquency order, and discharges appellate counsel of the obligation to represent Sam further in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Kathilynne Grotelueschen is relieved from further representing the appellant in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals