

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**July 28, 2015**

Diane M. Fremgen  
Clerk of Court of Appeals

**NOTICE**

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**Appeal No. 2015AP0041**

**Cir. Ct. No. 2013JV000675B**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT I**

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**IN THE INTEREST OF ALI H., A PERSON UNDER THE AGE OF 17:**

**STATE OF WISCONSIN,**

**PETITIONER-RESPONDENT,**

**v.**

**ALI H.,**

**RESPONDENT-APPELLANT.**

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APPEAL from orders of the circuit court for Milwaukee County:  
DENNIS R. CIMPL, Judge. *Affirmed.*

¶1 BRENNAN, J.<sup>1</sup> Ali H. appeals from a juvenile court order adjudicating him delinquent of one count of first-degree sexual assault with use of a dangerous weapon and two counts of burglary of a building or dwelling, and from an order denying his postdisposition motion. He argues that: (1) the juvenile court erroneously exercised its discretion at disposition when it allegedly considered adult criminal objectives and factors; and (2) he is entitled to a new hearing on sex-offender registration because the court applied the wrong legal standard and because a newly-enacted Milwaukee ordinance constitutes new evidence affecting the advisability of the court’s original adjudication. For the reasons which follow, we disagree and affirm.

### BACKGROUND

¶2 In December 2013, a delinquency petition was filed, charging fourteen-year-old Ali H. with one count of first-degree sexual assault with use of a dangerous weapon, and two counts of burglary of a building or dwelling. Ali H. denied the allegations in the petition and the case went to trial in juvenile court.

¶3 The eighteen-year-old female victim testified at trial as follows:

¶4 Ali H. approached the victim on a city street and said he thought he knew her from somewhere. He began walking with her, making small talk, and trying to hold her hand. When she told Ali H. that she was meeting a friend, he told her to “fuck [her] guy friend” and come with him. When the victim refused, Ali H. grabbed her hood and told her “that he had a knife, and he would cut [her] ass up if [she] didn’t go with him.” They went to a house, where Ali H. climbed

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2013-14). All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

in a back window, then let the victim in through a door, but they soon left the house. Ali H. then led the victim to another house, where they were able to enter through an open door. Once in the second home, Ali H. began touching the victim and removing her clothing. The victim asked Ali H. to stop but he continued removing her clothes, and then forced her to have sexual intercourse. When Ali H. had completed the act, the victim, crying, asked Ali H. why he had picked her. Ali H. told her “he don’t know” but that he “was sorry.” Then he “slapped [her] on [her] butt and he walked off.”

¶5 The juvenile court adjudged Ali H. delinquent of all three charges. The court then ordered a psychological assessment, a court report, and a “Wrap[around] assessment” for disposition.

¶6 In his report, the psychologist noted that Ali H. had been neglected and abandoned as a child, and that he had been psychiatrically hospitalized twice in the last year. The psychologist also stated that Ali H. read at a third to fifth grade level, and estimated Ali H.’s cognitive ability to be in the mild cognitive disability to borderline range. The psychologist concluded that Ali H. should be considered a “high risk, at present, to engage in further aggressive and inappropriate sexual behavior.” However, he also believed that Ali H. “should respond favorably to treatment that is motivational, cognitive-behavioral, psycho-educational, family inclusive, and focused on social skills enhancements.”

¶7 Both the Wraparound assessment and the court report recommended Ali H. be placed at a residential treatment center. The probation worker stated that he believed placement in a residential treatment center would be best to meet Ali H.’s “behavior and mental health needs.”

¶8 The State recommended a five-year Serious Juvenile Offender order to the Department of Corrections, pointing out that the offense alone demonstrated that Ali H. was a danger to the public. The State also cited Ali H.'s denial of the offense, the fact that he had two minor delinquency petitions pending at the time of the offense, his poor behavior while on non-secure orders, and his attitude. The State expressed doubt that Ali H. would comply with treatment in a residential treatment center.

¶9 Defense counsel recommended, as did the Wraparound and court reports, that Ali H. be placed in a residential treatment center. In support of the recommendation, counsel cited Ali H.'s young age, his mental health concerns, his low IQ, and the fact that this was Ali H.'s first adjudication. The defense argued that Ali H. should be given an opportunity for treatment.

¶10 After reviewing all of the recommendations, the juvenile court began its dispositional decision by finding that Ali H.'s delinquent acts were very serious, characterizing the sexual assault as a "brutal rape," followed by actions and statements reflecting a "callous attitude." The juvenile court found that the need to protect the public was high. The court reviewed and read from two competency reports and the psychological report. The court read the psychologist's recommendation for a residential treatment placement, including the psychologist's recommendation that Ali H. should respond favorably to treatment that is "motivational, cognitive-behavioral, psycho-education, family inclusive, and focused on social skills." The court concluded that Ali H. could "get all of that stuff at Lincoln Hills." The court also found that a placement in Lincoln Hills [a juvenile correctional facility] would act as "punishment for what you did, and it protects the community." Thereafter, the court ordered a five-year commitment to the Department of Corrections, in the Serious Juvenile Offender

Program. The juvenile court also ordered Ali H. to report as a sex offender for fifteen years. The court stated: “This is not a case where I even consider staying it.”

¶11 Ali H. filed a postdisposition motion requesting a new dispositional hearing on the grounds that the court misused its discretion by applying adult criminal sentencing objectives and factors. Alternatively, he requested a new hearing on the issue of whether sex-offender registration should be stayed pursuant to WIS. STAT. § 938.34(16). The juvenile court denied the motion without a hearing. Ali H. appeals.

## DISCUSSION

¶12 Ali H. raises two arguments on appeal. First, he contends that the juvenile court erroneously exercised its discretion when determining disposition by improperly applying adult criminal sentencing objectives and factors. Second, he contends that he is entitled to a new hearing on sex-offender registration because the juvenile court applied the wrong legal standard and because a newly-enacted Milwaukee ordinance constitutes new evidence affecting the advisability of the court’s decision. We address each in turn.

### **I. The juvenile court properly exercised its discretion when determining disposition.**

¶13 Ali H. first argues that the juvenile court erroneously exercised its discretion by applying adult criminal sentencing objectives and factors when fashioning disposition. Upon our review of the record, we conclude that, while the juvenile court was perhaps imprecise with its language, it did in fact apply the proper standards when ordering disposition. As such, we affirm.

¶14 We review a juvenile court’s dispositional order 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. “The exercise of discretion requires judicial application of relevant law to the facts of record to reach a rational conclusion.” *State v. James P.*, 180 Wis. 2d 677, 683, 510 N.W.2d 730 (Ct. App. 1993). A presumption of reasonableness supports a juvenile court disposition. *Id.* at 682.

¶15 WISCONSIN STAT. § 938.355 requires the juvenile court, upon fashioning a disposition for a juvenile found to be delinquent, to employ those means necessary to promote the objectives of the Juvenile Justice Code. *See id.*; WIS. STAT. § 938.34. Those objectives, all deemed “equally important” by WIS. STAT. § 938.01(2), as relevant, include the following:

- (a) To protect citizens from juvenile crime.
- (b) To hold each juvenile offender directly accountable for his or her acts.
- (c) To provide an individualized assessment of each alleged and adjudicated delinquent juvenile, in order to prevent further delinquent behavior through the development of competency in the juvenile offender, so that he or she is more capable of living productively and responsibly in the community.
- ....
- (f) To respond to a juvenile offender’s needs for care and treatment, consistent with the prevention of delinquency, each juvenile’s best interest and protection of the public, by allowing the court to utilize the most effective dispositional option.
- ....

*Id.* Section 938.01(1) also requires that the Juvenile Justice Code “be liberally construed in accordance with the objectives expressed in this section.” *Id.*

¶16 In *Richard J.D.*, we reviewed the mandates set forth in WIS. STAT. §§ 938.355, 938.34, and 938.01, and concluded that they required the juvenile court, when determining disposition, to specifically “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.” *Richard J.D.*, 297 Wis. 2d 20, ¶13. A juvenile court is not required to specifically state the reasons for each component of a disposition. *Id.*, ¶12. Rather, in determining a disposition, the court need only “put[] forth a ‘rational and explainable’ chain of reasoning based on facts in the record.” *Id.* (citation omitted).

¶17 The juvenile court considered the proper factors here.

¶18 *Seriousness of the offense.* Prior to rendering its decision, the juvenile court explained, in detail, why it considered Ali H.’s delinquent acts to be severe, citing the violent nature of the offenses, Ali H.’s lack of remorse, and Ali H.’s continued blame of the sexual assault victim. After recounting in detail the victim’s description of the attack and Ali H.’s particularly callous attitude toward the victim, the court stated:

I have been doing this almost 40 years. This is as bad as I’ve seen it. I defended people accused of rapes when I was an attorney. I did a year in homicide/sexual assault cases. I’ve been more than around the block. This was a brutal rape. One of the worst I’ve seen. Just the callous attitude that you had when it was all over. So that’s the nature of the crime.

Ali H. cannot (and does not) dispute that the sexual assault was a particularly heinous act and that the juvenile court considered that fact when fashioning disposition as it was required to do. See *Richard J.D.*, 297 Wis. 2d 20, ¶13.

¶19 *Need to protect citizens from juvenile crime.* Ali H. also does not dispute that the juvenile court considered the need to protect citizens from juvenile crime, one of the expressed objectives of the Juvenile Justice Code. *See* WIS. STAT. § 938.01(2)(a). Nor could he. The court explicitly stated:

And the need to protect the public. I mean, this is an innocent woman. She wasn't looking for any trouble that night.

It was on the streets of Milwaukee. .... In some neighborhoods, women walking alone can't walk down the streets. Why? Because they are afraid they're going to be raped. I mean, it's all over. .... I always will walk a single woman back to her car, and it's expected. And that's what the community wants in the way of protection from people like you, rapists, because that's what you are.

*See Richard J.D.*, 297 Wis. 2d 20, ¶13; *see* § 938.01(2)(a).

¶20 *Need to prevent further delinquent acts.* Reading the entirety of the transcript from the dispositional hearing, it is clear that the juvenile court also properly considered the need to prevent Ali H. from committing further delinquent acts. The court emphasized the violent nature of Ali H.'s crime and the effect the crime had on the community. The court also set forth "deterrence" as a goal during disposition, defining "deterrence" as follows:

[S]ending a message to you, Ali, as well as to every other kid out there that if you do this stuff you've been found delinquent for, there are consequences. In the hopes that in the future you think about what those consequences are and then don't do it. That's what deterrence is all about.

As such, the juvenile court also considered another purpose of the Juvenile Justice Code, that is, "[t]o hold each juvenile offender directly accountable for his or her acts." *See* WIS. STAT. § 938.01(2)(b); *see also Richard J.D.*, 297 Wis. 2d 20, ¶13.



¶21 *Juvenile's need for care and treatment.* The juvenile court also properly considered Ali H.'s need for care and treatment, and did so while considering all of the individualized assessments that Ali H. had undergone, promoting two more objectives of the Juvenile Justice Code: “[t]o provide an individualized assessment of each ... adjudicated delinquent juvenile” and “[t]o respond to a juvenile offender’s needs for care and treatment.” See WIS. STAT. § 938.01(2)(c), (f). The juvenile court began by stating that “the most important thing in the juvenile justice system ... is your character. ... As I said before, that’s what they tell me I have to look at first. That’s the goal: rehabilitation.”

¶22 The juvenile court then went on to detail, at great length, the various individualized professional assessments that determined that Ali H. has several potential mental health diagnoses. The court also discussed Ali H.’s progress in school, his history of significant and violent behavior problems, his childhood traumas, his inability to abide by previous non-secure orders, and the array of treatment and intervention efforts that had been attempted to address Ali H.’s many issues.

¶23 The juvenile court also detailed the psychologist’s report in which the psychologist stated that Ali H. was “[h]igh risk to engage in further aggressive and inappropriate sexual behavior if given the opportunity.” The court noted that the report also stated that Ali H. has “[d]ifficulty in managing sexual thoughts. Aggressive behavior.” But that he “[s]hould respond favorably to treatment that is motivational, cognitive, behavioral, psycho educational, family inclusive, and focused on social skills.”

¶24 Given the psychologist’s assessment of Ali H.’s needs, the juvenile court concluded that Ali H. could “get all of that stuff at Lincoln Hills.” The court

went on to explain to Ali H. that “a correctional placement is the most effective alternative consistent with your needs and the needs to protect the public.” The court clearly considered all of the individualized assessments of Ali H.’s unique attributes and how those attributes would translate into treatment and rehabilitation, thereby properly considering the objectives of the Juvenile Justice Code. *See Richard J.D.*, 297 Wis. 2d 20, ¶13; *see also* WIS. STAT. § 938.01(2)(c), (f).

¶25 Because we conclude that the juvenile court properly considered the Juvenile Justice Code’s dispositional objectives, we affirm the court’s order for disposition. *See Richard J.D.*, 297 Wis. 2d 20, ¶13; *see also* WIS. STAT. § 938.01.

¶26 In so holding, we reject Ali H.’s assertion that the juvenile court applied the wrong law when fashioning disposition because it allegedly improperly considered adult criminal sentencing objectives and factors. More specifically, we reject Ali H.’s assertion that the juvenile court improperly considered the adult sentencing objectives of “punishment of the defendant” and “deterrence to others,” *see State v. Gallion*, 2004 WI 42, ¶¶40-41, 270 Wis. 2d 535, 678 N.W.2d 197, and the adult factor of “character,” *see id.*, ¶43 n.11 (citation omitted). We address each in turn.

¶27 *Punishment.* Ali H. complains that rather than focusing on the Juvenile Justice Code’s objectives of accountability and prevention, *see* WIS. STAT. § 938.01(2)(b), (f), the juvenile court impermissibly focused on punishment, an adult sentencing consideration, *see Gallion*, 270 Wis. 2d 535, ¶¶40-41 (identifying punishment as a potential objective for a court to consider during an adult sentencing hearing). Ali H. differentiates “accountability” from “punishment” on the grounds that he believes that “[a]ccountability holds a person

responsible or answerable for his or her behavior, but not necessarily in a punitive way.” Upon our review of the record, we conclude that Ali H. takes the juvenile court’s use of the word “punishment” out of context.

¶28 We agree with Ali H. that punishment is not a purpose of the Juvenile Justice Code. However, so did the juvenile court. The court first used the term “punishment” at the beginning of the disposition:

When I decide what to do with a kid, just like when I decide what to do with an adult, the law basically says that I have to set goals.

One of the goals is restitution ...

There’s three other goals. One is punishment, and *we rarely do that in the juvenile system.*

The second is deterrence ...

And then the third goal is rehabilitation, and that’s what we focus on in the juvenile system because that’s what Chapter 938 tells me I should focus on, the Juvenile Code.

(Emphasis added.) In context, it is clear that the juvenile court was referring to “punishment” in the adult criminal system, and explicitly stated that punishment is something “we rarely do ... in the juvenile system.” The court went on to correctly state that the Juvenile Justice Code requires the court to focus on rehabilitation.

¶29 Later, when the juvenile court ordered Ali H. to be placed in a secure correctional facility, it stated: “that’s the punishment for what you did.” However, the court also went on to say that placement in a correctional facility “protects the community” and that Ali H. was “in need of restrictive custodial treatment. In a correctional placement is the most effective alternative consistent with your needs and the needs to protect the public.” While the court was

imprecise with its language when it used the word “punishment,” it is clear from the many pages of transcript in which the juvenile court considered the seriousness of Ali H.’s actions, the need to protect the public, the need to prevent future delinquent acts, and the need to provide Ali H. with the rehabilitative care that he desperately needs, that the court did not consider “punishment” as a goal in this case. Rather, the juvenile court properly considered the WIS. STAT. § 938.01(2) objectives behind the Juvenile Justice Code.

¶30 *Deterrence.* Ali H. also contends that the juvenile court improperly considered the adult sentencing objective of “deterrence to others.” *See Gallion*, 270 Wis. 2d 535, ¶¶40-41 (setting “deterrence to others” as a potential objective during an adult sentencing hearing). However, as we set forth in more detail above, the juvenile court’s definition of “deterrence” was firmly rooted in the objectives of the Juvenile Justice Code, in that it encompassed a desire “[t]o protect citizens from juvenile crime” and “[t]o hold each juvenile offender directly accountable for his or her acts.” *See* WIS. STAT. §§ 938.01(2)(a), (b). As such, the juvenile court did not err when it referenced “deterrence” when setting disposition.

¶31 *Character.* Ali H. also takes issue with the juvenile court’s consideration of his “character” on the grounds that Ali H. believes that character is a factor to consider when sentencing an adult and that the “juvenile system is founded on the premise that because juveniles are developmentally immature, they do not have fully-formed character.” Based upon our review of the record, we conclude that the juvenile court used the term “character” to define those attributes particular to Ali H. that the court considered as part of the “individualized assessment” required by statute and did not err in applying an adult sentencing factor. *See* WIS. STAT. § 938.01(2)(c).

¶32 One of the objectives of the Juvenile Justice Code is to “provide an individualized assessment of each ... adjudicated delinquent juvenile.” WIS. STAT. § 938.01(2)(c). While the statute does not explicitly state that the court should consider “character” as part of that assessment, the statute requires the assessment in order “to prevent further delinquent behavior through the development of competency in the juvenile offender, so that he or she is more capable of living productively and responsibly in the community.” *Id.* Certainly, in order to achieve that purpose, a court must consider an individual’s particular attributes. Liberally reading the objectives of the Juvenile Justice Code, as we are required to do, *see* WIS. STAT. § 938.01(1), that is what the juvenile court properly did here when it referenced Ali H.’s “character.”

¶33 When referencing Ali H.’s character, the juvenile court stated as follows: “the most important thing in the juvenile justice system ... is your character. ... As I said before, that’s what they tell me I have to look at first. That’s the goal: rehabilitation.” In other words, the juvenile court expressly stated that it was looking at Ali H.’s character—that is, who Ali H. is as an individual—in order to help craft a disposition that would aid in Ali H.’s care and rehabilitation. The court did not consider Ali H.’s character as static or fully-formed because the court referenced his character in conjunction with rehabilitation. Considering Ali H.’s individual attributes in order to fashion a disposition that best responds to Ali H.’s particular needs for care and treatment is exactly what the court was required to do. *See* WIS. STAT. §§ 938.01(2)(c), (f).

¶34 In sum, we conclude that the juvenile court did not consider improper law when crafting Ali H.’s disposition.

**II. Ali H. is not entitled to a new hearing on sex-offender registration because the juvenile court did not apply the wrong legal standard and Ali’s assertion that MILWAUKEE ORDINANCE 106-51 is new evidence entitling him to a new hearing is not ripe.**

¶35 Ali H. also contends that he should be afforded a new hearing on the motion to stay sex-offender registration because: (1) the juvenile court allegedly applied the wrong legal standard; and (2) recently-enacted MILWAUKEE ORDINANCE 106-51 is new evidence affecting the advisability of the court’s original adjudication. We address each in turn.

¶36 *Wrong legal standard.* Ali H. argues that the juvenile court again incorrectly applied adult criminal sentencing objectives and factors when ordering that Ali H. register as a sex offender for fifteen years. We disagree.

¶37 It is undisputed that sex-offender registration is a dispositional alternative pursuant to WIS. STAT. § 938.34(15m) and (16). Therefore, the juvenile court’s decision on sex-offender registration is part of the dispositional decision, which we review for an erroneous exercise of discretion. *See id.*; *Richard J.D.*, 297 Wis. 2d 20, ¶5.

¶38 First, as we set forth above, the court did not improperly consider adult sentencing factors while setting disposition; rather, it appropriately exercised its discretion and considered the proper criteria set forth in the statutes and by caselaw, *see* WIS. STAT. §§ 938.355, 938.34, and 938.01; *see also Richard J.D.*, 297 Wis. 2d 20, ¶13. Moreover, Ali H. does not present any evidence that the juvenile court considered “punishment,” “deterrence,” or “character” when discussing registration.

¶39 Second, we reject Ali H.’s assertion that the juvenile court applied adult sentencing criteria when it stated: “I will also order him to report as a sex

offender for a period of 15 years. This is not a case where I even consider staying it.” According to Ali H., “[b]ecause a stay is a discretionary dispositional alternative, the court must make a discretionary decision, considering the facts and the proper legal standard. Not considering it was not an option.” However, it is clear from the record that the juvenile court *did* consider the relevant factors, despite its assertion to the contrary.

¶40 To begin, the juvenile court expressly stated that “[WIS. STAT. §] 938.34(15m) is the appropriate statute in ordering sex offender reporting. This is a mandatory reporting given what he was charged with, and that is, first-degree sexual assault.” The juvenile court correctly stated the law. Section 938.34(15m)(bm) identifies numerous criminal offenses that require a judge to order a juvenile to register as a sex offender, including WIS. STAT. § 940.225(1), the statute for first-degree sexual assault for which Ali H. was adjudicated delinquent. Furthermore, after defense counsel informed the juvenile court that it could still stay the reporting requirement, the court declined to do so.

¶41 WISCONSIN STAT. § 938.34(16) allows a juvenile court to stay a dispositional order upon a motion by the juvenile.<sup>2</sup> But before doing so, the court must consider the following factors:

1. The ages, at the time of the violation, of the juvenile and the victim of the violation;
2. The relationship between the juvenile and the victim of the violation;

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<sup>2</sup> It is not entirely clear from the record whether Ali H.’s counsel formally moved the court to stay the reporting requirement at the time of the original dispositional hearing. Regardless, the juvenile court considered the proper factors when declining to stay the requirement.

3. Whether the violation resulted in bodily harm, as defined in s. 939.22(4), to the victim;
4. Whether the victim suffered from a mental illness or mental deficiency that rendered him or her temporarily or permanently incapable of understanding or evaluating the consequences of his or her actions;
5. The probability that the juvenile will commit other violations in the future; and
6. Any other factor that the court determines may be relevant to the particular case.

*State v. Cesar G.*, 2004 WI 61, ¶50, 272 Wis. 2d 22, 682 N.W.2d 1. Along with these factors, a juvenile court is required to consider the seriousness of the offense. *Id.*, ¶50. However, the burden is on the juvenile “to prove by clear and convincing evidence that, based on these factors, a stay should be granted in his or her case.” *Id.*, ¶51.

¶42 Here, despite stating that it would “not ... even consider staying” sex-offender registration, the juvenile court recited the correct statutes and considered all of the relevant factors. The court considered Ali H.’s probability of committing future violations when it noted that Ali H. “is a high risk to reoffend” based on the psychological assessments. It considered the relationship between Ali H. and the victim when it referred to “the fact that this was a stranger.” The court even considered the seriousness of Ali H.’s offense when it reminded everyone of “the fact that he brutally raped this woman;” and when the court described Ali H.’s behavior before and after the assault: “the fact that he did this while on a pass awaiting charges,” “the fact of his conduct afterwards,” and “the fact that he refuses to accept any remorse, any responsibility.” The court reiterated all of these factors again when denying Ali H.’s postdisposition motion to stay.



¶43 Looking at the record, it is clear that the juvenile court was fully aware of the proper legal standards and applied them appropriately when considering a sex-offender registration order. When the court stated that it would “not ... even consider” staying registration in this case, it did not mean that it would literally not consider staying registration. Rather, it is clear in context, that what the court meant was that, after considering all of the relevant factors, it found this to be a case in which staying registration would clearly be inappropriate. As such, Ali H. is not entitled to a new hearing on sex-offender registration based on these grounds.

¶44 *New evidence.* Finally, Ali H. argues that he is entitled to a new hearing regarding the sex-offender registration issue because new evidence allegedly exists that would affect the advisability of the court’s original decision, namely, MILWAUKEE ORDINANCE 106-51. We decline to address the issue because it is not yet ripe.

¶45 WISCONSIN STAT. § 938.46 allows a juvenile to “petition the court for a rehearing on the ground that new evidence has been discovered affecting the advisability of the court’s original adjudication” within one year of the court’s order. Seven months after Ali H.’s dispositional hearing, the City of Milwaukee enacted MILWAUKEE ORDINANCE 106-51, prohibiting registered sex offenders from residing “within 2,000 feet of any school, licensed day care center, park, recreational trail, playground or any other place designated by the city as a place where children are known to congregate.” MILWAUKEE, WIS., ORDINANCES 106-51(3)a.

¶46 Ali H. alleges that MILWAUKEE ORDINANCE 106-51 will make it nearly impossible for him to live with his family or in an alternative community

facility in Milwaukee upon his release and that the juvenile court erred in denying his motion for a new hearing on sex-offender registration. However, we need not address Ali H.'s argument because it is not yet ripe for resolution.

¶47 If the resolution of a claim depends on hypothetical or future facts, the claim is not ripe for adjudication and will not be addressed by this court. *See Pension Mgmt., Inc. v. DuRose*, 58 Wis. 2d 122, 128, 205 N.W.2d 553 (1973) (court will not decide issues based on hypothetical or future facts); *see also State v. Verhagen*, 198 Wis. 2d 177, 194 n.3, 542 N.W.2d 189 (Ct. App. 1995) (appellate court will not decide issues which are not ripe for appellate review). Here, Ali H. currently resides at Lincoln Hills under the supervision of the Wisconsin Department of Corrections. As Ali H. admits in his reply brief, any discussion about whether MILWAUKEE ORDINANCE 106-51 will prevent him from residing in certain locations in the future is based upon speculation. As such, that question is not ripe for resolution and we affirm.

*By the Court.*—Orders affirmed.

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

