

FORM SUMMARY

Name of Form: Judgment of Conviction Imposing a Juvenile Court Disposition

Form Number: CR-224

Statutory Reference: §938.183(2)(a), Wisconsin Statutes

Purpose of Form: Formal judgment of conviction in adult court in which the adult court using juvenile court dispositional alternatives

Who Completes It: Clerk of court.

Who Signs It: **BY THE COURT:** Circuit Court Judge/Clerk/Deputy Clerk.

Distribution of Form: Court, copy to district attorney, defense attorney, agency/department responsible for enforcement

Accompanying Forms: None

New Form/Modification: Modification; last update 7/96.

Modifications: Added a file/date stamp area to upper left corner. Added a statement on the bottom indicating that the form shall not be modified.

Comments: A judge sentencing a juvenile who is in adult criminal court based on an original adult court jurisdiction crime can impose juvenile court dispositional alternatives under two circumstances:
One, the defendant was convicted of a lesser offense which:

- is not an attempt to violate §940.01 (first degree intentional homicide),
- is not a violation of §940.02 (first degree reckless homicide),
- is not a violation of §940.05 (second degree intentional homicide), and,
- is not an offense for which the juvenile court may waive jurisdiction over a juvenile under §938.18.

or,

Two, the defendant was convicted of a lesser offense which:

- is an attempt to violate §940.01 (first degree intentional homicide),
- was a violation of §940.02 (first degree reckless homicide),
- was a violation of §940.05 (second degree intentional homicide), or,
- is an offense for which the juvenile court could waive jurisdiction over a juvenile under §938.18.

The first alternative can only apply to two groups of juvenile defendants:

- Those age 14 or under (because any crime is waivable by age 15 or above, thus eliminating one of the prerequisites) convicted of any lesser offense other than:
 - attempted first degree intentional homicide
 - second degree intentional homicide, or,

- first degree reckless homicide.
- Those of any age convicted of a lesser charge which is a noncriminal ordinance violation (for example, the matter is bargained to an ordinance violation--which is not a waivable offense).

The second alternative can only apply to two groups of juvenile defendants:

- Those who are convicted of a lesser waivable offense, or,
- Those who are convicted of a lesser offense of attempted first degree intentional homicide or second degree intentional homicide or first degree reckless homicide.

In the second alternative, before the court can impose a juvenile court disposition, it must:

- First, consider the standard juvenile court waiver factors set forth in §938.18(5), and,
- Second, find it is in the best interest of this defendant and the public to impose a disposition under §938.34.

RMC believes the adult court is entering a judgment of conviction and imposing juvenile court-type dispositions as part of that judgment. However, in ordering the juvenile court-type dispositions, RMC felt the easiest means was to utilize the juvenile court form JD-1745 (which lists the various dispositional alternatives) as an attachment to this form. The only alternative would be to have them all listed on this form, which would make the form quite cumbersome.

About this Form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.