STATE OF WISCONSIN        :        CIRCUIT COURT        :        MILWAUKEE COUNTY

CHILDREN’S DIVISION

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IN THE INTEREST OF

  COURT NO.

A CHILD UNDER SEVENTEEN

YEARS OF AGE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ELLIS H. MOTION

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TO:  Assistant District Attorney

Milwaukee County

Children’s Court Center

Milwaukee, Wisconsin

PLEASE TAKE NOTICE that the above-named juvenile, , by his attorney , on (date) , at (time) , before (judge) in Branch # , hereby requests that if the Court imposes sanctions as a result of the petition for sanctions filed (date) , the Court impose sanctions according to the number of incidents, rather than number of conditions violated, and that the above-named juvenile be given credit for time served in juvenile detention.

As grounds thereof, pursuant to In re Ellis H., the juvenile asserts the Court is required to mete out sanctions “per incident” and not per violation. 274 Wis.2d 703, 705 (Ct. App. 2004). Ellis H. interprets Wisconsin Statutes Section 938.355(6)(d) as allowing only one sanction per incident, even if it consists of multiple violations. Id. A separate “incident” is defined as, “different and distinct volitional acts... [where] the juvenile had sufficient time to reflect and commit himself to a particular act.” Id., at 715. Committing offenses on different days and of different types do not necessarily constitute different incidents. Id., at 717. In order to receive multiple sanctions for multiple violations, a juvenile must end one incident and begin another by invading a different interest. Id., at 716.

Moreover, the juvenile requests credit for all time served in juvenile detention. Wisconsin Statutes Section 938.355(6)(d)1 requires that, “the juvenile shall be given credit against the period of detention or nonsecure custody...for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed.” Therefore, the juvenile requests credit for days.

Dated at Milwaukee, Wisconsin this \_\_\_\_\_ day of (month) , 2010.

Respectfully submitted,

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(Attorney Name)

State Bar #

Attorney for