

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

December 12, 1995

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-2273-CR

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT I

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

GLIGORIJE LUKIC,

Defendant-Appellant.

APPEAL from a judgment of the circuit court for Milwaukee County: BONNIE L. GORDON, Judge. *Affirmed.*

FINE, J. Gligorije Lukic appeals from a judgment entered on a jury verdict convicting him of endangering safety by use of a dangerous weapon, see § 941.20(1), STATS. The only issue on appeal is whether there was sufficient evidence to prove venue.

A defendant in a criminal case must be tried in the county where the crime is alleged to have occurred. WIS. CONST. art. I, § 7; § 971.19(1), STATS. This case was tried in Milwaukee County. Accordingly, the State had to prove beyond a reasonable doubt that Lukic pointed the gun in Milwaukee County.

See *State v. Dombrowski*, 44 Wis.2d 486, 502, 171 N.W.2d 349, 357 (1969). The complaint in this action alleges that Lukic pointed a gun at another person “at 900 So. 4[th] St. APT #4, City of Milwaukee.” Lukic claims that there was insufficient evidence of venue. We affirm.

Evidence of venue need not be direct; venue “is sufficiently proved if there is reference in the evidence to the locality known or probably familiar to the jury where the act constituting the offense was committed from which the jury may reasonably have concluded that the place was in the county alleged.” *Piper v. State*, 202 Wis. 58, 61, 231 N.W. 162, 164 (1930). Here, there was evidence that Lukic pointed a gun at the victim in Lukic's apartment, which, according to Lukic's testimony, was “900 South 4th Street.” There was also evidence that the victim's call to the police was responded to by an on-duty police officer employed by the City of Milwaukee who received a radio-dispatch from his department. The officer first went to the victim's residence on West Walker Street, and then went to the defendant's residence, which was no more than five to ten minutes away. Even if some of the jurors might not have associated either South 4th Street or West Walker Street with the City of Milwaukee, *cf. ibid.* (Fond du lac Avenue was “at least probably known to the jurors as a street in Milwaukee”), the jury could reasonably conclude that the officer would not be responding to the radio-call outside of his jurisdiction, and that the officer would not go to the scene of the alleged incident if that scene was outside of his jurisdiction unless that officer first sought assistance from officers within the other jurisdiction. There is no evidence in the record that assistance was sought from another jurisdiction.

The evidence before the jury was sufficient to permit them to conclude beyond a reasonable doubt that the crime alleged in the criminal complaint did in fact take place in the City of Milwaukee. See *State v. Poellinger*, 153 Wis.2d 493, 507, 451 N.W.2d 752, 757-758 (1990). Reasonable jurors would know that the City of Milwaukee is in Milwaukee County.

By the Court. – Judgment affirmed.

This opinion will not be published. See RULE 809.23(1)(b)4, STATS.