



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 IV

July 3, 2024

To:

Hon. Vicki L. Clussman
Circuit Court Judge
Electronic Notice

Angela F. Boelter
Electronic Notice

Angela Dahle
Register in Probate
Waupaca County Courthouse
Electronic Notice

Lucas Swank
Electronic Notice

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

2024AP259

In the matter of the mental commitment of J.D.C.: Waupaca
County v. J.D.C. (L.C. # 2008ME67)

Before Graham, 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).

J.D.C. appeals an order extending his involuntary commitment under WIS. STAT. ch. 51 and a related order making him subject to involuntary medication and treatment. Waupaca County indicates that it will not file a response brief, and J.D.C. moves for summary reversal. I grant J.D.C.'s motion and summarily reverse the orders pursuant to WIS. STAT. RULE 809.21.²

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version.

² WISCONSIN STAT. RULE 809.21(2) provides that "[a] party may file at any time a motion for summary disposition of an appeal." RULE 809.21(1) provides that "upon its own motion or upon the motion of a party," this court "may dispose of an appeal summarily."

In August 2023, the County petitioned the circuit court for an order extending J.D.C.’s involuntary commitment under WIS. STAT. ch. 51. After a hearing on the petition, the circuit court issued an order extending J.D.C.’s commitment for a period of twelve months, as well as an order making J.D.C. subject to involuntary medication and treatment.

In J.D.C.’s appellant’s brief, he argues, among other things, that the orders should be reversed because the circuit court failed to make the factual findings required by *Langlade County v. D.J.W.*, 2020 WI 41, 391 Wis. 2d 231, 942 N.W.2d 277.³ Rather than filing a respondent’s brief, the County filed a letter conceding that the requirements of *D.J.W.* “have not been satisfied” and informing this court that it did not intend to file a brief.

J.D.C. moves this court for summary reversal. He contends that summary reversal is appropriate based on the County’s concession that the circuit court erred. According to J.D.C.’s motion, the County does not oppose summary reversal.

Upon review of the record, I conclude that summary reversal is appropriate.⁴

³ In a WIS. STAT. ch. 51 recommitment proceeding, the circuit court must “make specific factual findings with reference to the [dangerousness] subdivision paragraph of [WIS. STAT.] § 51.20(1)(a)2. on which the recommitment is based.” *Langlade County v. D.J.W.*, 2020 WI 41, ¶40, 391 Wis. 2d 231, 942 N.W.2d 277. An order for involuntary medication and treatment requires the existence of a valid commitment order. *See* WIS. STAT. § 51.61(1)(g)3. Thus, reversal of J.D.C.’s recommitment order for failure to comply with our supreme court’s directive in *D.J.W.* would also require reversal of the associated involuntary medication order.

⁴ Neither party contends that remand proceedings, rather than outright reversal, would be appropriate under the circumstances. Indeed, the circuit court would lack competency to conduct remand proceedings. In *Walworth County v. M.R.M.*, 2023 WI 59, 408 Wis. 2d 316, 992 N.W.2d 809, our supreme court held that a “circuit court may issue an extension order only before the preceding commitment order expires,” and after expiration of that preceding commitment order, the circuit court lacks competency to conduct remand proceedings. *Id.*, ¶27. Here, the preceding commitment order expired on September 19, 2023.

Therefore,

IT IS ORDERED that the circuit court's orders are summarily reversed pursuant to WIS. STAT. RULE 809.21(1).

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

Samuel A. Christensen
Clerk of Court of Appeals