COURT OF APPEALS
DECISION
DATED AND RELEASED

JULY 2, 1996

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

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No. 95-2608-FT

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT I

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

MARY F.-R.,

Defendant-Appellant.

APPEAL from orders of the circuit court for Milwaukee County: DAVID V. JENNINGS, JR., Judge. *Affirmed*.

Before Sullivan, Fine and Schudson, JJ.

PER CURIAM. A jury found Mary F.-R. to be mentally ill, to be dangerous to herself or to others, and to be a proper subject for treatment.[1]

[1] Section 51.20(1), STATS. provides that a person may be involuntarily committed for treatment if the person is mentally ill, a proper subject for treatment, and is dangerous. Section 51.20(1)(b) defines evidence of dangerousness to others as "a substantial probability of physical harm to other individuals as manifested by evidence of ... violent behavior, or by evidence that others are placed

Consequently, she was ordered involuntarily committed to the custody of the Milwaukee County Department of Human Services for treatment. The trial court subsequently ordered her to be medicated involuntarily. Mary F.-R. appeals, ostensibly both from the commitment order and from the involuntary medication order. However, she contends only that insufficient evidence was produced at trial to warrant the jury's findings, and that the trial court failed to properly exercise its discretion when it permitted the rebuttal testimony of a social worker. Pursuant to this court's order dated November 1, 1995, this case was submitted to the court on the expedited appeals calendar. We conclude that sufficient evidence was produced at trial to support the jury's findings. We also affirm on the evidentiary issue because Mary F.-R.'s argument is improperly developed.[2]

On July 20, 1995, Mary F.-R. resided on the porch of a home owned by her 92-year-old aunt. On that day, Mary F.-R., who admitted that she was not allowed access to her aunt's home without permission, claims that she sought permission to enter so that she could speak with her cousin, who was visiting from out-of-state. Mary F.-R. testified that she had been promised the opportunity to speak with her cousin. When her aunt refused to allow her in after three requests, Mary F.-R. took a broom, punched a hole in a screen door, and unlatched the door, thereby gaining entry to the home.

Mary F.-R.'s aunt testified that she denied Mary F.-R. access to her home because, when she had gained entry in the past, she "t[ore] my whole house apart." She testified that on July 20, 1995, Mary F.-R. never asked for

(..continued)
in reasonable fear of violent behavior and serious physical harm to them, as evidenced by a recent overt act, attempt or threat to do serious physical harm."

[2] We note at the outset that Mary F.-R. contends that the trial court failed to give the jury proper instructions. Specifically, she contends that, because there was evidence that she had not cooperated with the doctors that interviewed her after she was taken into custody, the trial court should have instructed the jury that she had had the right to remain silent, and that it could consider her silence only if convinced that her silence was related to mental illness, and was not an exercise of her constitutional right to remain silent.

The record offers no indication that Mary F.-R. requested such an instruction, or objected to the trial court's proposed instructions. Consequently, the argument is waived. *See* § 805.13(3), STATS. (failure to object to proposed instructions constitutes waiver).

entry to the house, but simply forced her way in by "smashing" the screen. It is undisputed that Mary F.-R. then went in the home, sat down next to her aunt, and questioned her as to why she was being denied entry. Mary F.-R.'s aunt testified that she became afraid when Mary F.-R. "d[id] things like that." She admitted on cross-examination, however, that on the morning of July 20, 1995, Mary F.-R. did not threaten her directly.

Dr. John V. Liccione was called by the State as an expert witness and testified that, in his opinion, Mary F.-R. was mentally ill and that she would benefit from treatment. Mary F.-R.'s expert witness, Dr. Anthony Jurisic, testified that Mary F.-R. would benefit from treatment. Dr. Jurisic testified that Mary F.-R. had counselled other patients to refuse their medication, and that she had pushed a nurse's aide. Neither Dr. Liccione nor Dr. Jurisic, however, specifically testified that Mary F.-R. was dangerous.

Mary F.-R. first contends that the State presented insufficient evidence to support the jury's verdict. This court sustains a jury's verdict if there is any credible evidence to support the verdict. ***Fehring v. Republic Ins. Co.***, 118 Wis.2d 299, 305, 347 N.W.2d 595, 598 (1984).

> The credibility of the witnesses and the weight afforded their individual testimony is left to the province of the jury. Where more than one reasonable inference may be drawn from the evidence adduced at trial, this court must accept the inference that was drawn by the jury. It is this court's duty to search for credible evidence to sustain the jury's verdict. This court is not to search the record on appeal for evidence to sustain a verdict that the jury could have reached, but did not.

Id. at 305-06, 347 N.W.2d at 598 (citations omitted).

The testimony of Mary F.-R.'s aunt and the two doctors was sufficient to support the jury's verdict. While Mary F.-R. disputed much of the

testimony presented, none of the testimony was inherently incredible.[3] The jury was free to believe her aunt's testimony that when Mary F.-R. had gained access to her home in the past that she "tore it up," and that, given Mary F.-R.'s recent act of breaking into her home, she was therefore "placed in reasonable fear of violent behavior and serious physical harm." We note that, in denying Mary F.-R.'s motion to dismiss at the close of the State's case, the trial court recognized that Dr. Liccione had not specifically addressed Mary F.-R.'s dangerousness, but noted that Mary F.-R.'s aunt was "visibly afraid" of Mary F.-R. In addition, the jury could have concluded from Dr. Jurisic's testimony that some of Mary F.-R.'s behavior as a patient was further evidence of dangerousness.

We also note that, even if the jury credited Mary F.-R.'s version of events, it could reasonably conclude that her behavior was dangerous. Mary F.-R. testified that she broke into her aunt's house after being denied entry three times. The jury could have reasonably believed that Mary F.-R.'s insistence on gaining entry to the home, when coupled with her mental illness, could have led her aunt to have a reasonable fear that Mary F.-R. would engage in violent behavior toward her.

Finally, we note that the jury was free to believe Dr. Liccione's testimony that Mary F.-R. was mentally ill, and was also free to believe the testimony of both Drs. Liccione and Jurisic that Mary F.-R. would benefit from treatment.

For her second issue, Mary F.-R. contends that the trial court improperly admitted the rebuttal testimony of Pam Myers, a social worker who had been called to Mary F.-R.'s aunt's home on July 20, 1995. Recognizing that this court reviews a trial court's evidentiary decisions under the erroneous-exercise-of-discretion standard, *see* ***Nischke v. Farmers & Merchants Bank***, 187 Wis.2d 96, 105, 522 N.W.2d 542, 546 (Ct. App. 1994), she simply contends that the trial court failed to place on the record adequate reasoning to support its decision to allow Myers' testimony.

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[3] We note that some of Mary F.-R.'s statements regarding the testimony of other witnesses came while Mary F.-R. was not a witness. The record reflects that, throughout the trial, Mary F.-R. continually commented on the credibility of witnesses. This activity, while not testimony as such, occurred in front of the jury and could have affected the jurors' judgments regarding Mary F.-R.'s demeanor, credibility, and judgment.

We reject this argument because it is improperly developed. Mary F.-R., without any specific citations to the record or to specifically relevant caselaw, contends in conclusory fashion that the trial court's reasoning was inadequate. "We may decline to review issues inadequately briefed." *See* ***State v. Pettit***, 171 Wis.2d 627, 646, 492 N.W.2d 633, 642 (Ct. App. 1992). We do so here.

By the Court.—Orders affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.