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**DISTRICT II**

September 4, 2013

To:

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

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2013AP716-NM

In the matter of the mental commitment of William F.: Winnebago County v. William F. (L.C. #2012ME507)

Before Gundrum, J.<sup>1</sup>

William F.'s treating psychiatrist petitioned to have William's civil commitment and order for involuntary medication extended. After a trial to the court, the court determined that William was mentally ill, a proper subject for treatment, and dangerous to himself, and that he was not competent to refuse medication. The court thus extended William's mental commitment and his involuntary medication order for twelve months.

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2011-12). All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

William appeals from the order. His appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). William was provided with a copy of the no-merit report and informed of his right to file a response. He has not responded. Upon consideration of the report and an independent review of the record as mandated by *Anders*, we conclude that there are no issues with arguable merit for appeal. We therefore summarily affirm the order. *See* WIS. STAT. RULE 809.21.

The no-merit report identifies as potential issues whether the evidence was sufficient to extend William's commitment order and to order involuntary medication and treatment and whether there are any arguably meritorious issues that would support a motion for a new trial. The report thoroughly addresses each issue. We agree with appellate counsel's analysis and her conclusion that these issues have no arguable appellate merit.

An individual's WIS. STAT. ch. 51 commitment may be extended if the petitioner proves by clear and convincing evidence that the individual is mentally ill, is a proper subject for treatment or commitment, and meets one of the statutory criteria for dangerousness. *See* WIS. STAT. § 51.20(13)(e), (13)(g)3. William's treating psychiatrist, Dr. Jose Alba, petitioned to extend William's court-ordered outpatient-status commitment at the Wisconsin Resource Center. The petition asserted that William suffers from paranoid schizophrenia; that William remains a proper subject for commitment and that, despite explaining the risks and benefits of psychotropic medications to William, Dr. Alba believed William incapable of expressing an understanding of his need for and the effects of those medications.

At the hearing on the petition, Dr. Alba testified that William suffers from a mental illness—schizophrenia, paranoid type—which severely impairs William's behavior if he is not

under a treatment order. He also affirmed that William is a proper subject for treatment and that the ordered medications have a therapeutic benefit for William. Dr. Alba further testified that William reports multiple-voiced auditory hallucinations and that, while not all are suicidal in nature, William threatened to hang himself about a month before the court hearing. Dr. Alba also testified that if treatment were withdrawn William would become a proper subject for commitment and that he believed William would discontinue his medications if not made to take them. Finally, Dr. Alba testified that he had explained to William “at least a half a dozen times” the advantages and disadvantages of and the alternatives to the medications appropriate to William’s situation but he did not believe William would take the medication absent a treatment order. We are satisfied that any argument challenging the sufficiency of the evidence to support the extension of William’s commitment and involuntary medication order would lack arguable merit. *See* WIS. STAT. §§ 51.20(13)(g)3., 51.61(1)(g)4.

Our independent review of the record does not disclose any other potentially meritorious issue for appeal. Accordingly, we accept the no-merit report, affirm the order, and relieve Attorney Ellen J. Krahn of further representation of William F. in this matter. Therefore,

IT IS ORDERED that the order of the circuit court is summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Ellen J. Krahn is relieved of further representation of William F. in this matter.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*