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**DISTRICT II**

November 20, 2013

To:

Hon. Daniel J. Bissett  
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Winnebago County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2013AP1355-NM

In the matter of the mental commitment of Mark P.: Winnebago  
County v. Mark P. (L.C. # 2013ME67)

Before Brown, PJ<sup>1</sup>

In this WIS. STAT. ch. 51 appeal, Mark P. appeals from an order extending for another year his commitment for mental health treatment and an order authorizing the involuntary administration of medication and treatment. Mark's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Mark has filed two responses. After reviewing the record, counsel's no-merit report, and Mark's

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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.

responses, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the orders. *See* WIS. STAT. RULE 809.21.

The no-merit report addresses the following appellate issues: (1) whether the circuit court complied with the statutory procedures when Mark requested a reexamination pursuant to WIS. STAT. § 51.20(16); (2) whether there is any arguable merit to claim that the county failed to prove by clear and convincing evidence that Mark is mentally ill, a proper subject for treatment, and that he would be a proper subject for commitment if treatment were withdrawn; and (3) whether there is any basis for challenging the circuit court's order allowing the involuntary administration of medication and treatment.

The no-merit report thoroughly discusses these issues. We agree with appellate counsel that these issues do not have arguable merit for appeal. Here, the circuit court followed the statutory procedures, including the time limits, governing the reexamination request of Mark. The testimony of Mark's treating psychiatrist and court-appointed psychiatrist at the reexamination hearing satisfied the county's burden to prove all required facts by clear and convincing evidence. *See* WIS. STAT. § 51.20(13)(e). Additionally, their testimony was sufficient to satisfy the applicable standards. *See K.N.K. v. Buhler*, 139 Wis. 2d 190, 198, 407 N.W.2d 281 (Ct. App. 1987) (the application of the facts to a statutory concept presents a question of law we review de novo). Accordingly, there is no basis to challenge either circuit court order.

As noted, Mark filed two responses to counsel's no-merit report. The responses are difficult to decipher, as they are rambling and nonsensical. In any event, we are satisfied that they do not present an issue of arguable merit.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Suzanne L. Hagopian of further representation of Mark in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Suzanne L. Hagopian is relieved of further representation of Mark P. in this matter.

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