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**DISTRICT I**

March 31, 2014

To:

Hon. Jane V. Carroll  
Milwaukee County Courthouse  
Civil/Small Claims Court  
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Milwaukee, WI 53233

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Andy S.

Amy Wochos  
Register in Probate  
Milwaukee County Courthouse  
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Milwaukee, WI 53233

John Richard Breffeilh  
Assistant State Public Defender  
735 N. Water Street, Suite 912  
Milwaukee, WI 53202-4105

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

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2013AP2359-NM

In the matter of the mental commitment of Andy S.:  
Milwaukee County v. Andy S. (L.C. #2012ME4595)

Before Curley, P.J.

Andy S. appeals from an order for involuntary commitment for six months.<sup>1</sup> *See* WIS. STAT. § 51.20 (2011-12).<sup>2</sup> His appellate counsel, Assistant State Public Defender John R. Breffeilh, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32. Andy S. has not filed

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<sup>1</sup> The six-month commitment order has expired. After seeking input from the parties as to whether this case is moot, this court concluded that the appeal is not moot, because “the expired commitment has actual consequences for Andy S.,” such as the effect on his ability to possess a firearm or obtain professional licenses.

<sup>2</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

a response. We have independently reviewed the record and the no-merit report. On February 26, 2014, we directed counsel to file a supplemental report addressing several issues concerning the trial court's conclusion that Andy S. met the legal standard of dangerousness.

Attorney Breffeilh now "moves to dismiss the notice of appeal, remand the record to the circuit court, and extend the deadline for filing a notice of appeal or motion for post-disposition relief to April 28, 2014." The motion indicates that counsel has conferred with Andy S. and has concluded that there is an issue of arguable merit concerning the circuit court's conclusions regarding dangerousness. Because a no-merit report is only appropriate if counsel is convinced that an appeal would be wholly frivolous, *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988), this court will grant the request.

Therefore,

IT IS ORDERED that the no-merit report in appeal No. 2013AP2359-NM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for Assistant State Public Defender John R. Breffeilh to file a notice of appeal or a motion for post-disposition relief is extended to April 28, 2014. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

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