



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 II

February 18, 2015

To:

Hon. William Domina
Circuit Court Judge
521 W. Riverview, Room JC 103
Waukesha, WI 53188-3636

Kelly K. Haag
Juvenile Clerk
521 W. Riverview, Room JC 103
Waukesha, WI 53188-3636

Robert J. Mueller
Corporation Counsel
Waukesha County
515 W. Moreland Blvd., Room AC330
Waukesha, WI 53188

Michelle L. Velasquez
Asst. State Public Defender
735 N. Water St., Ste. 912
Milwaukee, WI 53202-4116

Lauren K. L.
806 Commercial Ave.
Whitewater, WI 53190

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

2014AP2606-NM

In the matter of the mental commitment of Lauren K. L.:
Waukesha County v. Lauren K. L. (L.C. #2014ME2)

Before Gundrum, J.¹

Lauren K. L. appeals an order committing her for six months to the care and custody of the Waukesha County Health and Human Services Department. Lauren's 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). Lauren was provided with a copy of the report and informed of her right to file a response, but she has not done so. Upon consideration of the report and an

¹ 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.

independent review of the record as mandated by *Anders*, we agree there are no issues with arguable merit for appeal. We summarily affirm the order. *See* WIS. STAT. RULE 809.21.

Lauren was found on her bedroom floor covered with bruises and lying in feces, pills spilled around her. She apparently fell after taking an overdose of her prescription medication. An emergency detention ensued. Lauren waived her right to a probable cause hearing. The court used the statement of emergency detention to find probable cause. At the final hearing, the parties agreed to her being committed under a finding of mental illness and resultant impaired judgment. The court found that she was dangerous under WIS. STAT. § 51.20(1)(a)2.c. This no-merit appeal followed.

The no-merit report addresses whether the circuit court properly ordered Lauren committed for six months pursuant to WIS. STAT. § 51.20(13). This court agrees with appellate counsel that the issue does not have arguable merit for appeal. The circuit court followed the statutory procedures, including the time limits, governing Lauren's commitment. Because the parties stipulated to the commitment,² the court was not required to conduct a colloquy. It undertook one nonetheless, and found that Lauren's waiver of rights was free, intelligent, and voluntary. Lauren asked the court to accept it. She cannot now attack the order for commitment that she agreed to and asked the court to enter. *See Coconate v. Schwanz*, 165 Wis. 2d 226, 231, 477 N.W.2d 74 (Ct. App. 1991) (judicial estoppel prevents a party from asserting a position in a legal proceeding different from one previously asserted).

² Persons subject to commitment proceedings under WIS. STAT. ch. 51 are statutorily presumed to be competent to, among other things, manage their own affairs and enter into contracts. *See* § 51.59(1); *see also S.Y. v. Eau Claire Cnty.*, 162 Wis. 2d 320, 334, 469 N.W.2d 836 (1991).

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 Michelle L. Velasquez of further representation of Lauren K. L. 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 Michelle L. Velasquez is relieved of further representation of Lauren K.L. in this matter.

Diane M. Fremgen
Clerk of Court of Appeals