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DISTRICT II

April 22, 2015

To:

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

2015AP108-NM

In the matter of the protective placement of John B. K.:
Winnebago County v. John B. K. (L.C. #2013GN24)

Before Reilly, J.¹

John B. K. appeals from an order continuing his protective placement. John's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). John received a copy of the report, was advised of his right to file a response, and has elected not to do so. After reviewing the record and counsel's report, we

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2013-14). All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

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

John is an 87-year-old man who has been under a protective placement order since March 11, 2013, due to serious and persistent mental illness. On December 26, 2013, Winnebago County petitioned for an annual review of John's protective placement. John, through his guardian ad litem, requested adversary counsel and an independent examiner. The State Public Defender appointed counsel for John, and the circuit court appointed an independent examiner.

On June 18, 2014, the circuit court held a full due process hearing on the continued need for protective placement, pursuant to WIS. STAT. § 55.18(3)(d). The court heard testimony from the independent examiner as well as another examiner requested by John. The court also considered a statement from John and the recommendations of counsel. At the conclusion of the hearing, the court ordered John's protective placement continued for one year. This appeal follows.

The no-merit report addresses the potential issues of whether the evidence was sufficient to support an order for continued protective placement and whether the review of the protective placement order was timely. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

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 Katie R. York of further representation of John in this matter.

Upon the foregoing reasons,

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 Katie R. York is relieved of further
representation of John B. K. in this matter.

Diane M. Fremgen
Clerk of Court of Appeals