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DISTRICT II

November 11, 2015

To:

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

2015AP810-NM

In the matter of the mental commitment of W.W.F.: Racine County
v. W.W.F. (L.C. #2011ME129)

Before Neubauer, C.J.¹

W.W.F. appeals from orders committing him for mental health treatment under WIS. STAT. § 51.20 and authorizing the involuntary administration of medication and treatment. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). W.W.F. received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we agree with counsel's conclusion that because the

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.

commitment and medication orders have expired, the appeal is moot. We summarily affirm the orders because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

On October 21, 2014, W.W.F. was committed for a six-month period. The commitment and medication orders expired April 21, 2015.

As to the medication order, counsel's no-merit report concludes that there are no arguably meritorious issues. As to the commitment order, the report concludes that there is arguable merit to a claim that the evidence failed to prove that W.W.F. was dangerous and, therefore, the proper subject of commitment.

Even if issues of arguable merit exist for an appeal, the appeal is moot because the commitment and medication orders have expired and have not been extended. "An issue is moot when its resolution will have no practical effect on the underlying controversy." *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425. This court does not generally consider moot issues. *Id.*

W.W.F. is no longer subject to the commitment and medication orders and an appellate ruling on any potential appellate issue will have no practical effect on him. *See G.S. v. State*, 118 Wis. 2d 803, 805-06, 348 N.W.2d 181 (1984) (where the appellant is no longer subject to the commitment order, the case is rendered moot). Moreover, the record reflects that W.W.F. was the subject of a 2011 commitment order which included a firearms prohibition. Thus, even if the 2014 commitment order was reversed on appeal, W.W.F. would still be subject to the firearms restriction.

Because any potential appellate issues are moot, there are no arguable issues for appeal. For that reason, we may relieve appointed counsel of the duty of representation under WIS. STAT. RULE 809.32(3).

Upon the foregoing reasons,

IT IS ORDERED that the orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Martha K. Askins is relieved from further representing W.W.F. in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals