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DISTRICT III

September 20, 2016

To:

Hon. Mitchell J. Metropulos
Circuit Court Judge
320 S. Walnut St.
Appleton, WI 54911

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

2015AP1661-NM Outagamie County v. L. D. O. (L. C. No. 2012ME122)

Before Hruz, J.¹

Counsel for L. D. O. has filed a no-merit report concluding there is no basis to challenge an order of extension of commitment. L. D. O. was advised of his right to respond and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could be raised on appeal and summarily affirm.

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

The circuit court found L. D. O. suffered from a number of major mental illnesses, most of them treatable, and that if the illnesses went untreated “certainly [L. D. O.] would be a danger to himself and perhaps a danger to others.” As a result, the court found L. D. O.’s mental health commitment needed to be extended.

No issue of arguable merit appears regarding whether the circuit court followed the proper procedure under WIS. STAT. §§ 51.20(10)-(13). There is also no arguable merit to any issue regarding the sufficiency of the evidence concerning L. D. O.’s mental commitment. *See* WIS. STAT. § 51.20(13)(g)3. At trial, Dr. Indu Dave testified L. D. O. suffers from schizoaffective disorder and depressive disorder not otherwise specified (NOS). Dr. Dave also testified L. D. O. suffers from eating disorder NOS, autistic disorder NOS, and developmental disorder NOS. Dr. Dave testified L. D. O. is a proper subject for treatment and if treatment were withdrawn, L. D. O. would be a proper subject for commitment under WIS. STAT. Ch. 51. Dr. Dave further testified there would be a substantial risk of serious harm to L. D. O. or others if there were no order for ongoing treatment. The doctor testified L. D. O. “hears voices that tell him not to eat more than 700 calories.” If the commitment were terminated L. D. O. would “likely become a proper subject because the anorexia make[s] him so depressed that he can become suicidal. If he gets frustrated, he displays aggression toward self or others. So that would make him a proper subject for treatment again.” The doctor noted there were two incidents of agitation or aggression in the months prior to trial, one of which required hospitalization.

Our independent review of the record discloses no other issues of arguable merit.

Therefore,

IT IS ORDERED that the order is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Katie York is relieved of further representing
L. D. O. in this matter.

Diane M. Fremgen
Clerk of Court of Appeals