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DISTRICT II

August 9, 2017

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

2016AP2361-NM

In the matter of the mental commitment of G.J.W. Waukesha
County v. G.J.W. (L.C.##2016ME307, 2016ME1635)

Before Gundrum, J.¹

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

G.J.W. appeals from WIS. STAT. ch. 51 orders committing him to the care and custody of Waukesha County for treatment and authorizing the involuntary administration of medication due to mental illness.² 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). G.J.W. received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders*, we conclude that the appeal may be disposed of summarily. WIS. STAT. RULE 809.21. We affirm the orders.

The no-merit report addresses whether there was sufficient evidence to support the orders for commitment and the involuntary administration of medication. To be subject to a WIS. STAT. ch. 51 mental health commitment, an individual must be “mentally ill,” “a proper subject for treatment,” and dangerous to self or others. *Fond du Lac Cty. v. Helen E.F.*, 2012 WI 50, ¶20, 340 Wis. 2d 500, 814 N.W.2d 179 (citation omitted). The facts supporting these factors must be established by clear and convincing evidence. WIS. STAT. § 51.20(13)(e). The same standard of proof applies to the determination that G.J.W. was not competent to refuse medication and treatment. *Winnebago Cty. v. Christopher S.*, 2016 WI 1, ¶56, 366 Wis. 2d 1, 878 N.W.2d 109, *cert. denied*, 136 S. Ct. 2464 (2016).

The no-merit report contains a correct statement of the law governing these issues and properly applies the law to the facts. As discussed in the no-merit report, the record contains

² Although the notice of appeal only refers to the commitment order, a separate involuntary medication order was entered on the same date. The no-merit report addresses whether there would be arguable merit to a challenge to the medication order. We construe the appeal as encompassing the involuntary medication order.

sufficient evidence to support the orders entered by the circuit court. 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, affirm the commitment and involuntary medication orders and relieve Attorney Colleen Marion of further representation of G.J.W. in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Colleen Marion is relieved of further representation of G.J.W. in this matter.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Clerk of Court of Appeals