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**DISTRICT III**

August 15, 2017

To:

Hon. William M. Atkinson  
Circuit Court Judge  
Brown County Courthouse, Br. 8  
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J. M.  
1582 Charles Street  
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You are hereby notified that the Court has entered the following opinion and order:

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2016AP521-NM

Brown County Department of Human Services v. J. M.  
(L. C. No. 2009ME1151)

Before Hruz, J.<sup>1</sup>

**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).**

Counsel for J.M. has filed a no-merit report concluding there is no basis to challenge an order for extension of commitment. J.M. was advised of his right to respond and has not responded. Upon our independent review of the record, we conclude no issue of arguable merit appears, and the order is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

There is no arguable basis for challenging the sufficiency of the evidence. A commitment under WIS. STAT. ch. 51 is subject to extension under WIS. STAT. § 51.20(13)(g)3. The County proved by clear and convincing evidence that J.M. was mentally ill and also that J.M. was dangerous. *See* WIS. STAT. §§ 51.20(1)(a)1., (2). The element of dangerousness was established by showing a substantial likelihood based on the treatment record that J.M. would be a proper subject for commitment if treatment were withdrawn. *See* WIS. STAT. § 51.20(1)(am).

J.M. was under a series of prior orders for extension of commitment. Doctor Marshall Bales, a psychiatrist appointed as an independent examiner, testified at the present recommitment hearing:

[I]t's very consistent in the records and also my opinion is the same and that's that he has schizophrenia, paranoid type, and he has depression and he does have some anti-social problems ....

....

It's very consistent. Numerous doctors, numerous examinations. It's conclusive from the record and my own exam that he does suffer from a substantial disorder of thought, mood, or perception.

....

[E]verybody is against him. Even he mentioned that his own mother and grandmother are against him. He says that all of the records from Brown County are fabricated.

....

He went on also that he was saying that his medications are about like poison and he was paranoid of the medication ....

Doctor Bales also testified that if treatment were withdrawn, J.M. would again be a proper subject for treatment. Bales opined decompression was a reality if treatment was not

continued, and without medication, J.M. “would become gravely disabled” and “unable to care for his basic needs.” Bales also testified that if J.M. were not on commitment, the paranoia may get worse “to where he could become dangerous in some way toward others.” The record showed J.M. had a history of noncompliance with treatment resulting in police contacts and numerous hospitalizations, poor hygiene, unsafe living conditions, paranoia, and erratic behavior. Bales also testified that “historically – and I know it’s been a number of years, but he was carrying around a knife.” Bales opined that a medication order was necessary. According to Bales, J.M. “is not rational about his medications and therefore in my opinion he is not competent to refuse his medications.” The circuit court properly extended the commitment order and the order for involuntary medication.

Our independent review of the record discloses no other potential issues for appeal. Therefore,

IT IS ORDERED that the order of extension of commitment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Ralph Sczygelski is relieved of further representing J.M. in this matter.

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

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*