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**DISTRICT II**

**(Amended on November 27, 2017; footnote 3 was deleted)**

November 22, 2017

To:

Hon. Kathryn W. Foster  
Circuit Court Judge  
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G.J.C.  
4510 N. 133rd St.  
Brookfield, WI 53005

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

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2017AP1472-NM      In the matter of the mental commitment of G.J.C.:  
Waukesha County v. G.J.C. (L.C. #2016ME586)

Before Reilly, P.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).**

G.J.C. appeals his WIS. STAT. ch. 51<sup>2</sup> orders committing him to the custody of Waukesha County for outpatient mental health care to include being involuntarily medicated, should he not

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<sup>1</sup> 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.

<sup>2</sup> The proceedings against G.J.C. were commenced under WIS. STAT. ch. 51, not WIS. STAT. ch. 48, as the no-merit report indicates.

consent to its administration. His appellate counsel has filed a no-merit report under WIS. STAT. RULE 809.32; *Anders v. California*, 386 U.S. 738 (1967). G.J.C. was furnished a copy of the report but has submitted no response. Upon consideration of the report and an independent review of the record, we are satisfied that the appeal has no merit. We summarily affirm the orders, *see* WIS. STAT. RULE 809.21, and grant G.J.C.'s counsel's motion to withdraw.

An Oconto County sheriff's deputy responded to a report that G.J.C. walked unannounced into a house where his two adult sons were, began choking one of them, threatened to kill the second, made comments about killing himself, and then, as he was driving away, tried to run over the second son. When G.J.C. was located, deputies found ammunition and over a dozen firearms in his vehicle.

G.J.C. was placed under emergency detention at Winnebago Mental Health Institute. A probable cause hearing was timely held. G.J.C.'s treating psychiatrist testified that G.J.C. was mentally ill—specifically, in the manic phase of bipolar disorder—presented a risk of harm to himself or others, and was a proper subject for treatment.

Venue then was transferred to Waukesha County, G.J.C.'s county of residence. Two different mental health professionals found him to be in the manic phase of bipolar disorder and in danger of harming himself or others. G.J.C. and the County entered into a sixty-day outpatient settlement agreement. G.J.C. breached the agreement and was again detained.

At the final hearing on November 8, 2016, the court ordered that he be committed for six months and that he receive necessary medical treatment, regardless of his consent. In April 2017, the court granted the County's petition for a nine-month extension of his commitment and treatment. This no-merit appeal follows.

The no-merit report considers whether: (1) proper procedures were used in detaining him and in obtaining the commitment and medication orders; (2) sufficient evidence was presented at the commitment hearing to adequately support the commitment order; and (3) sufficient evidence was presented at the commitment hearing to allow a finding that he was not competent to refuse medication or treatment.

We agree with appellate counsel that these issues do not have arguable merit for appeal. The Oconto County and Waukesha County circuit courts followed the applicable statutory procedures and time limits set forth in WIS. STAT. ch. 51. *See generally* WIS. STAT. §§ 51.15 and 51.20. The testimony of law enforcement officers and the testimony or reports of mental health professionals established by clear and convincing evidence that, to a substantial probability, G.J.C. exhibited recent behavior that he is mentally ill and poses a danger to himself or others, and that his dangerousness likely can be controlled by medication administered on an outpatient basis. *See* § 51.20(1)(a)2., (13)(a), (e).

G.J.C. acknowledged that the medication “keeps [him] on an even keel.” The court nonetheless was persuaded that, despite being advised of the advantages and disadvantages of his medication and treatment protocols, G.J.C.’s mental illness renders him substantially incapable of expressing an understanding of the pros and cons to enable him to make an informed choice as to whether to accept or refuse medication or treatment. The court’s findings are not clearly erroneous and must be upheld. *See Milwaukee Cty. Combined Cmty. Servs. Bd. v. Athans*, 107 Wis. 2d 331, 336, 320 N.W.2d 30 (Ct. App. 1982).

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the orders, and discharges appellate counsel of the obligation to represent G.J.C. further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the orders for outpatient commitment and for involuntary medication are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Gregory Bates is relieved from further representing G.J.C. in this appeal. *See* WIS. STAT. RULE 809.32(3).

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*