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WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV/II

March 21, 2018

To:

Hon. Michael R. Fitzpatrick
Circuit Court Judge
51 S. Main Street
Janesville, WI 53545

Jeremy Newman
Assistant State Public Defender
P.O. Box 7862
Madison, WI 53707-7862

Louis X. Mineau
Register in Probate
Rock Co. Courthouse
51 S. Main Street
Janesville, WI 53545

Jodi Timmerman
Asst. Corporation Counsel
51 S. Main Street
Janesville, WI 53545-3951

H.V.
7 E. Canal Street
Edgerton, WI 53534

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

2017AP2387-NM

In the matter of the mental commitment of H.V.:
Rock County v. H.V. (L.C. # 2014ME98)

Before Reilly, P.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).

H.V. appeals from an order extending his mental health commitment for twelve months. 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). H.V. received a copy of the report, was advised of

¹ 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.

his right to file a response, and did not timely act to file a response.² Upon consideration of the report and an independent review of the record, the order is summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

H.V. is diagnosed with schizophrenia and has been the subject of commitment since 2014. On March 22, 2017, the circuit court heard the testimony of an examining psychiatrist, a police officer who encountered H.V. after H.V.'s vehicle was in a ditch along a highway, and H.V. The court extended the commitment for twelve months and authorized the involuntary administration of medication.

The no-merit report addresses whether the evidence was sufficient to extend the commitment and to support the involuntary administration of medication. The report notes the appropriate standard for each intervention and the burden of proof. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

Review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the order of the circuit court, and discharges appellate counsel of the obligation to represent H.V. further in this appeal.

² After the time for filing a response expired, the appeal was submitted to the court without a response. On March 8, 2018, appointed counsel moved to extend the time for H.V. to file a response by forty-five days. Although the no-merit report was filed January 22, 2018, counsel did not hear from H.V. until March 5, 2018, at which time H.V. requested the transcripts and circuit court case record. The motion gives no reason for H.V.'s delay. Not only did counsel advise H.V. in advance of filing the no-merit report that H.V. was entitled to request the transcripts and circuit court case record and file a response, this court also notified H.V. of that information and the thirty-day deadline. H.V. did not timely act. If a forty-five day extension is granted, the appeal becomes moot because the commitment extension

(continued)

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Jeremy Newman is relieved from further representing H.V. in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that the motion for an extension of time to file a response to the no-merit report is denied.

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

Sheila T. Reiff
Clerk of Court of Appeals

order will have expired. Good cause for an extension of time to file a response is not shown and the motion is denied.