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**DISTRICT II**

July 3, 2018

To:

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Circuit Court Judge  
Juvenile Center  
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Waukesha, WI 53188-3636

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

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2017AP443-NM                      In the matter of the mental commitment of L.J.M.: Waukesha  
County v. L.J.M. (L.C. # 2000ME422)

Before Neubauer, C.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).**

L.J.M. appeals an order extending her mental health commitment and authorizing her involuntary medication and treatment. Her appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). L.J.M. received a copy of the report, was advised of her right to file a response, and has elected not to do so. Upon

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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.

consideration of the report and an independent review of the record, we conclude that the order may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

L.J.M. has been diagnosed with schizoaffective disorder, for which she is prescribed medication. She has a long history of mental illness and interventions and has been hospitalized about thirty times for medication noncompliance and suicidal behavior. At the time the recommitment petition was filed, L.J.M. was back living in her own apartment while receiving intensive daily support services. The recommitment petition alleged that despite L.J.M.'s improved functioning, she continued to experience psychiatric symptoms such as paranoid and delusional thoughts and still exhibited poor insight into her need for treatment. The circuit court appointed Dr. Richard J. Koch (a psychologist) and Dr. Charles Cahill (a psychiatrist) to evaluate L.J.M., and each filed a report concluding that L.J.M. was a proper subject for recommitment and incompetent to refuse medications or treatment due to her mental illness. Both examiners testified at the recommitment hearing, as did L.J.M. Ultimately, the circuit court ordered a twelve-month extension of L.J.M.'s commitment on an outpatient basis and authorized her involuntary medication and treatment.

The no-merit report addresses whether the evidence offered was sufficient to extend L.J.M.'s mental health commitment and to require her involuntary medication and treatment. The no-merit report states the appropriate standard for each intervention. *See* WIS. STAT. § 51.20(1)(a)2. and (am) (recommitment); WIS. STAT. § 51.61(1)(g)4. (involuntary medication and treatment). By the testimony of Cahill and Koch, the County met its burden to prove all required facts by clear and convincing evidence. *See* § 51.20(13)(e). Additionally, the testimony of Cahill and Koch satisfies the applicable standards for recommitment and involuntary

medication. *See K.N.K. v. Buhler*, 139 Wis. 2d 190, 198, 407 N.W.2d 281 (Ct. App. 1987) (the application of the facts to statutory recommitment requirements presents a question of law we review de novo). *See also Outagamie Cty. v. Melanie L.*, 2013 WI 67, ¶39, 349 Wis. 2d 148, 833 N.W.2d 607 (whether the County has put forth sufficient evidence to meet its burden to prove the statutory elements for an involuntary medication order by clear and convincing evidence is a question of law). There is no arguable merit to challenging the sufficiency of the evidence on appeal.

The no-merit report also addresses whether the petitions and proceedings complied with the WIS. STAT. ch. 51 statutory notice and time limit requirements and whether it was appropriate to proceed with L.J.M.'s commitment under ch. 51 rather than WIS. STAT. ch. 55. We agree with counsel's analysis and conclusion that no potential issue of arguable merit arises from either point. Our 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 from having to further represent L.J.M. in this appeal. Therefore,

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

IT IS FURTHER ORDERED that Attorney Diane C. Lowe is relieved from further representing L.J.M. in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*