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DISTRICT II

July 3, 2018

To:

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T.R.Z.
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You are hereby notified that the Court has entered the following opinion and order:

2017AP1762-NM

In the matter of the mental commitment of T.R.Z.:
Washington County v. T.R.Z. (L.C. #2016ME96RA)

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).

T.R.Z. appeals from an order extending his mental health commitment and authorizing his involuntary medication and treatment. 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). T.R.Z. received a copy of the report, was advised of his right to file a response, and has elected not to do

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.

so. Upon 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.

T.R.Z. has a long history of chronic mental illness, and has been the subject of prior commitment and involuntary medication orders. A prior commitment was allowed to expire in October 2014 because T.R.W. was complying with his medications and was no longer showing signs of dangerousness. He stopped taking his medication and his mental health declined. He exhibited more paranoia, delusional and disorganized thinking, agitation and poor judgment. As part of a June 2016 incident at the human services department, T.R.Z. became agitated and asked a police officer to shoot him. He resisted the officers' attempts to subdue him and asked a caseworker to grab an officer's weapon and to shoot him (T.R.Z.). This incident led to a six-month Ch. 51 commitment which included an order for involuntary medication. The County petitioned to extend his commitment.

At the recommitment hearing, examining physician Dr. Erik Knudson opined that T.R.Z. would become a proper subject for commitment if treatment were withdrawn. Knudson explained that T.R.Z., who has a chronic mental illness that has shown improvement when he takes his medication and returns when he does not take his medication, has not developed insight to realize his need for medical treatment. Knudson stated that if T.R.Z. were to be completely unmedicated, his intense symptoms which lead to dangerous behaviors would likely return. Knudson also testified that for T.R.Z., medication has a therapeutic value and that T.R.Z. did not understand the advantages and disadvantages of, or alternatives to, medication and treatment. Knudson's opinion was based on his discussions with T.R.Z., including his attempts to address the advantages, disadvantages, and alternatives, and on the information in T.R.Z.'s treatment

records documenting several years of his limited insight into his mental illness and need for treatment.

Almost immediately after T.R.Z.'s counsel began her cross-examination, T.R.Z. interrupted the proceedings and, after a profanity-laced and agitated exclamation, stated he had had enough and wanted to stipulate. The circuit court asked T.R.Z. questions about his desire to stipulate and confirmed that T.R.Z. also wanted to stipulate to the involuntary administration of medication and treatment. Based on T.R.Z.'s stipulation and also the testimony of Knudson, the court found there was ample evidence to extend the commitment and to order involuntary medication and treatment.

The no-merit report addresses the validity of T.R.Z.'s stipulation and whether the evidence offered was sufficient to extend his mental health commitment and to require his 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). Through the testimony of Knudson, the County met its burden to prove all required facts by clear and convincing evidence. *See* § 51.20(13)(e). Additionally, Knudson's testimony 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). We agree with appellate counsel's conclusion that T.R.Z.'s stipulation supports the circuit court's order for

recommitment, and that even if we do not consider T.R.Z.'s stipulation, there is no arguable merit to challenging the sufficiency of the evidence on appeal. Our review of the record discloses no other potential issues for appeal. Therefore,

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

IT IS FURTHER ORDERED that Attorney Melinda A. Swartz is relieved from further representing T.R.Z. in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals