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**DISTRICT III/II**

July 3, 2018

To:

Hon. Vincent R. Biskupic  
Circuit Court Judge  
Outagamie County Courthouse  
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T.T.  
418 N. Lawe St.  
Appleton, WI 54911

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

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2017AP963-NM

In the matter of the mental commitment of T.T.:  
Outagamie County v. T.T. (L.C. #2014ME104)

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).**

T.T. appeals an order extending his mental commitment by twelve months, on an outpatient basis. 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.T. received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude that the order may be summarily

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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.

affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

T.T. suffers from schizophrenia and has been subject to a mental health commitment order, including involuntary medication and treatment, since 2014. His mental health treatment and the administration of psychotropic medications are managed on an outpatient basis. Dr. Indu Dave testified that she examined T.T., that he suffers from schizophrenia and is helped by the medications he is required to take, that T.T. does not believe he has a mental illness and in fact thinks his psychotropic medications have caused his mental illness, and that T.T. has also said that any mental illness was cured by “some kind of eye medications.” T.T. told Dave he will not voluntarily take psychotropic medication. Dave opined to a reasonable degree of medical and professional certainty that T.T. would become a proper subject for commitment if treatment were withdrawn, and that he is not competent to refuse medications and treatment. The circuit court entered a recommitment order which also authorized the involuntary administration of medication and treatment.

The no-merit report addresses whether the evidence offered was sufficient to extend T.T.’s 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 Dave, the County met its burden to prove all required facts by clear and convincing evidence. *See* § 51.20(13)(e). Additionally, Dave’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).<sup>2</sup> 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 statutory notice and time limit requirements. We agree with counsel's analysis and conclusion that no potential issue of arguable merit arises from this point and we will not discuss it further. 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 T.T. 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 Lowe is relieved from further representing T.T. 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*

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<sup>2</sup> The no-merit report does not cite or discuss *Outagamie Cty. v. Melanie L.*, 2013 WI 67, ¶¶55, 67, 349 Wis. 2d 148, 833 N.W.2d 607, which requires that the ward be provided a reasonable explanation of the advantages and disadvantages of and alternatives to medication and treatment prior to a determination that he or she is incompetent to refuse medication and treatment. Under *Melanie L.*, Dave's testimony sufficiently supports the circuit court's finding that, due to T.T.'s mental illness, T.T. is substantially incapable of applying an understanding of the advantages, disadvantages and alternatives in order to make an informed choice about whether to accept or refuse psychotropic medications.