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DISTRICT II

July 11, 2018

To:

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

2017AP821-NM

In the matter of the mental commitment of S.N.W.: Fond du Lac
County v. S.N.W. (L.C. # 2016ME157)

Before Hagedorn, 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).

S.N.W. appeals from an order committing her for mental health treatment under the inmate commitment statute. *See* WIS. STAT. § 51.20(1)(ar). As part of the commitment, the circuit court authorized the involuntary administration of medication and treatment under WIS.

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.

STAT. § 51.61(1)(g)4. 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), to which S.N.W. has filed a response. Upon consideration of the no-merit report, the response, 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.

While S.N.W. was serving a sentence for robbery at the Taycheedah Correctional Institution, a three-party petition for examination was filed alleging that S.N.W. was mentally ill, a proper subject for treatment, and in need of treatment. The petition asserted that since her arrival at Taycheedah, S.N.W. had become verbally aggressive and was refusing psychological, psychiatric and medical treatment.

At the final hearing, S.N.W. appeared by video from Taycheedah and her appointed attorney appeared in the courtroom. S.N.W. suggested that she wanted to represent herself. The circuit court attempted to discuss self-representation with S.N.W. but she was uncooperative. The court found that S.N.W. was not aware of the difficulties and disadvantages of self-representation and that her psychological disability would significantly compromise her ability to communicate and to defend herself. The circuit court determined S.N.W. was not competent to represent herself.

Doctor Robert Rawski, one of the examining psychiatrists, testified that his examination of S.N.W. was brief because she refused to meet with him, but that he had in the past worked with and treated her and had seen her in various stages of psychological stability. S.N.W. had a longstanding diagnosis of bipolar disorder and was currently manic with psychotic features. Her fifteen-year mental health history and symptoms were well documented in both correctional and

outpatient treatment settings. Based on S.N.W.'s treatment records, along with his own observations and his prior knowledge and experience with S.N.W., he was able to opine to a reasonable degree of medical certainty that she was a proper subject for commitment and was incompetent to refuse medications and treatment. He testified that her refusal to accept treatment was causing the prison to manage her symptoms through seclusion which in turn exacerbated her mental illness and dangerousness. The circuit court ordered a six-month outpatient commitment and authorized the involuntary medication and treatment of S.N.W. for that six-month period.

The no-merit report addresses whether (1) the inmate commitment petition and ensuing proceedings met the statutory requirements under WIS. STAT. § 51.20(1)(ar), (2) the circuit court properly denied S.N.W.'s request to represent herself, (3) the circuit court erred in denying the request by S.N.W.'s counsel that she appear in person rather than by video conferencing, (4) there was sufficient evidence presented to support the mental health commitment, and (5) there was sufficient evidence presented to support the order for involuntary medication and treatment. Counsel's no-merit report adequately sets forth the applicable standards of review, elements to be proved, and relevant record facts. We agree with counsel's analysis that the potential issues lack arguable merit and will not discuss them further.

In her response to counsel's no-merit report, S.N.W. does not address matters potentially relevant to her commitment or to the involuntary administration of medication and treatment. Instead, she discusses and attaches paperwork relevant to her criminal recommitment hearing, a separate federal court case, and what appears to be a subsequently-filed but dismissed petition to extend her mental health commitment. Nothing in S.N.W.'s response suggests a potentially meritorious challenge to the order at issue in this no-merit 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 Gregory Bates is relieved from further representing S.N.W. 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