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DISTRICT II

September 12, 2018

To:

Hon. William Domina
Circuit Court Judge
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J.K.
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You are hereby notified that the Court has entered the following opinion and order:

2018AP306-NM

In the matter of the mental commitment of J.K:
Waukesha County v. J.K. (L.C. # 2016ME555)

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).

J.K. appeals from orders for involuntary commitment, medication, and treatment. Appointed appellate counsel has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. J.K. was furnished a copy of the report but has

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.

submitted no response. Upon consideration of the report and an independent review of the record as mandated by *Anders*, we conclude that any argument challenging J.K.'s involuntary commitment for treatment pursuant to WIS. STAT. ch. 51 lacks arguable merit. We summarily affirm the orders. *See* WIS. STAT. RULE 809.21.

Waukesha County filed a petition alleging that J.K. suffers from paranoid schizophrenia and that, as he does not believe he has or ever had schizophrenia or any other mental illness, he also does not believe he needs antipsychotic medication. J.K.'s untreated schizophrenia impairs his judgment, causing him to lack insight into the need to treat his other health conditions, including bradycardia/tachycardia, bilateral lower extremity edema, hypertension, and leukopenia. The petition alleged that his pattern of refusing to treat his serious medical conditions creates a substantial probability of physical impairment or injury to himself.

J.K. and his treating psychiatrist testified at the evidentiary hearing. The court found that J.K. suffers from a mental illness, schizophrenia, which has been a lifelong issue for him and that, as a result, J.K. had declined to take medications relating to his physical medical conditions, placing him in a life-threatening situation due to the serious edema, bradycardia, and hypertension. The court concluded that, due to his impaired judgment, J.K. met the standard for dangerousness under WIS. STAT. § 51.20(1)(a)2.c. and found that he would benefit from treatment. It ordered J.K. committed for six months, finding that the least restrictive level of treatment needed was an inpatient facility.

The court also found that, as a result of his mental illness, and after the advantages, disadvantages, and alternatives to medication had been explained to him, J.K. was substantially incapable of applying an understanding of this information to his mental illness to make an

informed choice as to whether to refuse medication or treatment. It thus ordered involuntary medication and treatment during the period of commitment. This no-merit appeal followed.

The no-merit report considers whether the evidence was sufficient to support the orders for inpatient commitment and for involuntary medication and treatment. Based upon our independent review of the record, we conclude that counsel's analysis of those issues is correct and that a challenge to any of them would lack arguable merit. Our independent review of the record discloses no other potential basis for a challenge to the commitment. Any further appellate proceedings would be without arguable merit within the meaning of *Anders* and WIS. STAT. RULE 809.32. Therefore,

IT IS ORDERED that the orders for inpatient commitment and for involuntary medication and treatment are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Leon W. Todd III is relieved from further representing J.K. in this appeal. *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