



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

May 22, 2019

To:

Hon. Daniel J. Bissett
Circuit Court Judge
P.O. Box 2808
Oshkosh, WI 54903

Leonard D. Kachinsky
Kachinsky Law Offices
832 Neff Court
Neenah, WI 54956-0310

Sara Henke
Register in Probate
Winnebago County Courthouse
P.O. Box 2808
Oshkosh, WI 54903-2808

James A. Kearney
James A. Kearney Law Office, S.C.
675 Deerwood Drive
Neenah, WI 54956-1629

B.T.L.
1709 Taft Avenue, #6
Oshkosh, WI 54901

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

2018AP426-NM Winnebago County v. B.T.L. (L.C. #2017ME505)

Before Neubauer, C.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).

Appellate counsel for B.T.L. has filed a no-merit report concluding that there is no arguable basis to challenge an order committing B.T.L. for mental health treatment pursuant to WIS. STAT. ch. 51 and authorizing his involuntary medication and treatment. B.T.L. was advised of his right to respond to the report and has not done so. Upon consideration of the report and an

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2017-18). All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

independent review of the record as mandated by WIS. STAT. RULE 809.32, 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.

This action was commenced by the filing of a three-party petition for examination alleging that B.T.L. was mentally ill, a proper subject for treatment, and a danger to himself or others. *See* WIS. STAT. § 51.20(1). B.T.L. was detained about two weeks later. Counsel was appointed and a probable cause hearing was timely held pursuant to § 51.20(7). Upon the testimony of B.T.L.'s sister and an examining psychiatrist, the circuit court determined there was probable cause and ordered B.T.L. detained pending a final hearing.²

The circuit court appointed two examiners pursuant to WIS. STAT. § 51.20(9), and both submitted a report more than forty-eight hours before the final hearing. *See* § 51.20(9), (10)(b). A final hearing was timely held pursuant to § 51.20(7)(c), at which the examining psychiatrist, B.T.L.'s sister, and B.T.L. all testified. The circuit court determined that the County met its burden to prove all required facts by clear and convincing evidence, *see* § 51.20(13)(e), and entered a six-month order for outpatient commitment. The circuit court also ordered involuntary medication and treatment during the period of B.T.L.'s six-month commitment.

Appellate counsel's no-merit report addresses whether the WIS. STAT. ch. 51 time limits and procedures were observed and whether there was sufficient evidence to support B.T.L.'s commitment and his involuntary medication and treatment. The no-merit report sets forth the

² On April 9, 2019, we ordered the record supplemented with the probable cause hearing transcript.

applicable procedural law and the appropriate standard for each intervention. *See* WIS. STAT. § 51.20(1)(a) (commitment); WIS. STAT. § 51.61(1)(g)4. (involuntary medication and treatment). Upon reviewing the record, we agree with appellate counsel's description, analysis, and conclusion that any challenge to the circuit court's order would lack arguable merit. Therefore,

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

IT IS FURTHER ORDERED that attorney Leonard D. Kachinsky is relieved from further representing B.T.L. 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