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DISTRICT II/III

October 29, 2019

To:

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

2018AP524-NM

Winnebago County v. D.B. (L. C. No. 2017ME515)

Before Hruz, 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).

Counsel for David² has filed a no-merit report concluding there is no arguable basis for challenging orders committing David for mental health treatment pursuant to WIS. STAT. ch. 51

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

and authorizing involuntary medication and treatment. David was advised of his right to respond to the report and has not responded. Upon an independent review of the record as mandated by WIS. STAT. RULE 809.32, this court concludes there is no arguable merit to any issue that could be raised on appeal.

David is an inmate sentenced to the Wisconsin prison system. The medical director of the Wisconsin Resource Center, along with two other psychiatrists, petitioned for an examination of David pursuant to WIS. STAT. § 51.20(1), alleging that David was suffering from a major mental illness, that he was presently psychotic, and that he was dangerous to others. Counsel was appointed for David. The circuit court appointed two examiners pursuant to § 51.20(9), and both submitted their reports more than forty-eight hours before the final hearing. *See* § 51.20(9) and (10)(b). A final hearing was timely held pursuant to § 51.20(7)(c), and David's treating psychiatrist testified. After considering the doctor's testimony, the court entered an order committing David to the Department of Health Services for six months, on an "outpatient basis" within the prison system. The court also ordered involuntary medication and treatment during David's commitment period.

The no-merit report addresses whether there was sufficient evidence to support both the commitment order and the order for involuntary medication and treatment. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that any challenge to the orders would lack arguable merit.

² Pursuant to the policy underlying WIS. STAT. RULE 809.81(8), we use a pseudonym instead of the party's name in this confidential matter.

The court's independent review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the orders are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorneys Andrew Hinkel and Jeremy A. Newman are relieved of further representing David 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