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**DISTRICT II**

February 3, 2021

To:

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

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2019AP1934-NM

In the matter of the mental commitment of J.F.:  
Winnebago County v. J.F. (L.C. #2018ME610)

Before Neubauer, C.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).**

J.F. appeals from WIS. STAT. ch. 51 (2017-18) orders extending his commitment due to mental illness for twelve months and ordering involuntary medication and treatment. J.F.'s appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v.*

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<sup>1</sup> 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.

*California*, 386 U.S. 738 (1967). J.F. received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the orders because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

The no-merit report addresses whether there was sufficient evidence to support the twelve-month extension of J.F.’s commitment. We agree with appellate counsel that this issue lacks arguable merit for appeal. The circuit court concluded that the County met its burden to present evidence that satisfied the statutory factors for extending J.F.’s commitment. WIS. STAT. § 51.20(1)(a) and (1)(am).<sup>2</sup> As the no-merit report discusses, the record supports the circuit court’s conclusion. See *Waukesha County v. J.W.J.*, 2017 WI 57, ¶15, 375 Wis. 2d 542, 895 N.W.2d 783 (we independently review whether the facts satisfy the statutory standard).

With regard to the order for involuntary medication and treatment, the record reveals that J.F. conceded at the extension hearing that he has a mental illness and is a proper subject for

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<sup>2</sup> The orders from which J.F. appeals were entered on July 5, 2018. The circuit court proceedings concluded before the April 2020 decision in *Langlade County v. D.J.W.*, 2020 WI 41, ¶40, 391 Wis. 2d 231, 942 N.W.2d 277, which held that “going forward circuit courts in recommitment proceedings are to make specific factual findings with reference to the subdivision paragraph of § 51.20(1)(a)2. on which the recommitment is based.” *D.J.W.*’s holding requiring specific factual findings does not apply to this case. *Winnebago v. S.H.*, 2020 WI App 46, ¶14, 393 Wis. 2d 511, 947 N.W.2d 761. Nevertheless, the record still must contain evidence that links past dangerousness to the substantial likelihood of recurrence absent an extension order. *Id.*, ¶17. Although the circuit court did not make any detailed findings relating to the statutory criteria for dangerousness, “we can assume that the circuit court implicitly accepted [the psychiatrist’s] conclusions.” *Id.*, ¶14; see *State v. Martwick*, 2000 WI 5, ¶31, 231 Wis. 2d 801, 604 N.W.2d 552 (“[I]f a circuit court fails to make a finding that exists in the record, an appellate court can assume that the circuit court determined the fact in a manner that supports the circuit court’s ultimate decision.”). The record contains a contemporaneous psychiatrist’s WIS. STAT. § 51.20 examination that links past dangerousness to a substantial likelihood of recurrence absent an extension order.

treatment under a medication order. WIS. STAT. § 51.61(1)(g)3. and (g)4. The court determined that the criteria for involuntary medication were met. No issue with arguable merit is present.

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record does not disclose any potentially meritorious issues for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report, affirm the orders and relieve Attorney Jefren E. Olsen of further representation of J.F. in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Jefren E. Olsen is relieved of further representation of J.F. in this matter.

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*