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DISTRICT IV

July 8, 2021

To:

Hon. Elliott M. Levine
Circuit Court Judge
Electronic Notice

Nicole Schroeder
Register in Probate
LaCrosse County
Electronic Notice

Frederick A. Bechtold
Electronic Notice

Stephen D. Woodward
Electronic Notice

J. A.

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

2020AP844-NM

In the matter of the mental commitment of J.A.: La Crosse County
v. J. A. (L.C. # 1994ME489)

Nashold, 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.A. appeals the circuit court's order extending his involuntary commitment and the court's order for involuntary medication and treatment under WIS. STAT. ch. 51. Attorney Frederick Bechtold, appointed counsel for J.A., has filed a no-merit report and a supplemental no-merit report pursuant to WIS. STAT. RULE 809.32 seeking to withdraw as appellate counsel. J.A. was informed of his right to respond but has not filed a response. Based upon the reports

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2019-20). All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

and an independent review of record, I conclude that there is no arguable merit to any issue that could be raised on appeal. I summarily affirm. *See* WIS. STAT. RULE 809.21.

While J.A. was still subject to a previous commitment order, La Crosse County petitioned for recommitment and for an order allowing involuntary medication. A court-appointed examiner submitted a report and, after a hearing at which the examiner testified, the circuit court entered orders extending J.A.'s commitment by twelve months and allowing for involuntary medication and treatment of J.A. during the extended commitment period.²

The no-merit report addresses whether the evidence was sufficient both as to the order extending J.A.'s commitment and as to the order for involuntary medication and treatment. As to each order, the County had the burden of proof by clear and convincing evidence. *See Langlade Cnty. v. D.J.W.*, 2020 WI 41, ¶23, 391 Wis. 2d 231, 942 N.W.2d 277; *Outagamie Cnty. v. Melanie L.*, 2013 WI 67, ¶37, 349 Wis. 2d 148, 833 N.W.2d 607. Without reciting all of the evidence here, I agree with counsel's conclusion that it would be frivolous to argue that the evidence was insufficient as to either order.³

The no-merit report also addresses whether there are other arguably meritorious issues that might support a request for a new hearing. The report discusses one possible issue in some

² Counsel has informed this court that, approximately one year after the circuit court entered its orders, around the same time that the orders expired, the circuit court granted the County's motion to dismiss further commitment proceedings.

³ In *Langlade County v. D.J.W.*, 2020 WI 41, ¶40, 391 Wis. 2d 231, 942 N.W.2d 277, our supreme court held that "going forward circuit courts in recommitment proceedings are to make specific factual findings with reference to the subdivision paragraph of [WIS. STAT.] § 51.20(1)(a)2. on which the recommitment is based." The circuit court did not make such findings here. However, because the orders in this case predate the April 2020 decision in *D.J.W.*, this holding from *D.J.W.* does not apply. *See Winnebago Cnty. v. S.H.*, 2020 WI App 46, ¶14, 393 Wis. 2d 511, 947 N.W.2d 761.

depth: whether J.A. could seek a new hearing based on the lack of closing arguments at the hearing that occurred. I am satisfied that the report properly analyzes this issue as having no arguable merit. I also agree with counsel that there is no other non-frivolous basis upon which J.A. might seek a new hearing.

My review of the record discloses no other arguably meritorious issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Frederick Bechtold is relieved of any further representation of J.A. in this matter.

IT IS FURTHER ORDERED that this summary disposition order will not published.

Sheila T. Reiff
Clerk of Court of Appeals