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**DISTRICT I**

August 10, 2021

To:

Hon. Jeffrey A. Wagner  
Circuit Court Judge  
Electronic Notice

Abigail Potts  
Electronic Notice

John Barrett  
Clerk of Circuit Court  
Milwaukee County  
Electronic Notice

Amontre O. Ross  
301 Troy Dr.  
Madison, WI 53704

John D. Flynn  
Electronic Notice

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

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2020AP1413-CR                      State of Wisconsin v. Amontre O. Ross (L.C. # 2017CF459)

Before Brash, C.J., Dugan and White, JJ.

**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).**

Amontre O. Ross, *pro se*, appeals an order of the circuit court denying his petition for conditional release. Upon our review of the briefs and record, we conclude at conference that this matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).<sup>1</sup> We summarily affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

In January 2017, the State charged Ross with one count of first-degree reckless homicide for the shooting death of his friend. In 2019, Ross was found not guilty by reason of mental disease or defect and was committed to the Department of Health Services for forty years. Since his commitment, Ross has twice petitioned for conditional release. At issue in this appeal is Ross's second petition. Following that petition, the circuit court ordered an evaluation pursuant to WIS. STAT. § 971.17(4)(c).

Dr. Deborah Collins evaluated Ross and submitted a report to the circuit court in which she stated that Ross suffered from “[u]nspecified schizophrenia spectrum and other psychotic disorder and [h]istory of cannabis use disorder.” At a hearing on Ross's petition, Dr. Collins testified that “if conditionally released at this time[, Ross] would pose a significant risk of bodily harm to himself, others, or serious property damage[.]” Dr. Collins testified that there was “simply no basis” to conclude that Ross's “risk of violence has been curbed,” that Ross's mental health needs were not being met, and that Ross expressed thoughts that were “characteristically rambling and tangential.” Dr. Collins also stated that Ross was not receiving psychiatric treatment and that there were differing opinions among Ross's care providers as to whether he needed psychotropic medication. Dr. Collins further testified that Ross had recently been transferred back into a maximum security setting at his treatment facility.

Ross, proceeding *pro se*, cross-examined Dr. Collins, and asked a series of questions unrelated to Dr. Collins's report; specifically, Ross asked multiple questions about whether his psychosis could solely have been the result of his previous cannabis use. The circuit court eventually halted Ross's questioning and adjourned the hearing with instructions for Ross to prepare and write questions relevant to the issue. At the continued hearing, Ross continued his cross-examination, asking Dr. Collins several questions about the effects cannabis use could

have had on his mental state prior to the shooting. Ross also asked Dr. Collins several questions about matters not addressed in her report, to which Dr. Collins responded that she did not have an opinion. Ross also asked several questions that Dr. Collins did not understand, some pertaining to his history of drug use, prompting the circuit court to ask: “are you saying now that because you’ve been treated for the cannabis and that you believe you are well from that, is that the reason why you should be conditionally released?” Ross answered in the affirmative. Dr. Collins then opined that Ross’s mental health conditions are independent of his prior cannabis use and stated that Ross still “pose[d] a significant risk.”

The circuit court eventually ended Ross’s cross-examination after Ross again asked a series of questions not pertaining to Dr. Collins’s report. The circuit court then issued its decision, adopting Dr. Collins’s findings and agreeing with Dr. Collins that if released, Ross would pose a significant risk of bodily harm to himself or others, or a risk of property damage. The circuit court emphasized the “history of violence, the fact that symptoms of his mental illness were implicated in his mental state which produced the homicide and [Ross] is not currently receiving psychiatric treatment for his mental illness.” This appeal follows.

A circuit court shall grant a WIS. STAT. § 971.17(4) petition for conditional release unless the court “finds by clear and convincing evidence that the person would pose a significant risk of bodily harm to himself or herself or to others or of serious property damage if conditionally released.” Sec. 971.17(4)(d). The State bears the burden to prove that conditional release is not warranted because the person remains dangerous. *State v. Randall*, 2011 WI App 102, ¶¶15, 17, 336 Wis. 2d 399, 802 N.W.2d 194.

Ross's arguments on appeal effectively challenge: (1) the sufficiency of the evidence; (2) the circuit court's decision to cut off his cross-examination of Dr. Collins; and (3) Dr. Collin's credibility.<sup>2</sup>

As to the sufficiency of the evidence argument, we apply the sufficiency of the evidence standard, and we will affirm the circuit court's findings if the findings are supported by credible evidence. See *Randall*, 336 Wis. 2d 399, ¶¶13, 17. We defer to the circuit court's credibility determinations and any reasonable inference the court drew from the evidence. See *id.*, ¶14. The circuit court is free to accept some aspects of witness testimony and reject others and determine the weight and credibility of the testimony and other evidence. *State v. Kienitz*, 227 Wis. 2d 423, 435, 438-39, 597 N.W.2d 712 (1999); *Randall*, 336 Wis. 2d 399, ¶40.

We conclude that the record supports the circuit court's finding that Ross continues to pose a significant risk to himself or others or of serious property damage. In rendering its finding, the circuit court took into account both Dr. Collins's report and testimony, in which Dr. Collins addressed the violence of Ross's underlying crime, Ross's symptoms, Ross's lack of treatment, and Ross's denial that he suffers from mental illness. The circuit court also considered Ross's maximum security status at his mental health facility. In short, there is credible evidence to support the circuit court's finding.

Ross also contends that the circuit court erred in cutting off his cross-examination of Dr. Collins. Ross asserts that he was hurried and he "was not allowed to formulate his points

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<sup>2</sup> Ross's specific arguments allege that he was denied a certificate of recovery, that his due process rights were denied because no closing arguments were heard, and that Dr. Collins should be impeached.

entirely.” The record does not support Ross’s contention. The record shows that Ross was given two opportunities to cross-examine Dr. Collins. The circuit court continued the hearing after the first day so that Ross would have more time to draft relevant cross-examination questions. Further, Ross agreed to the continuance. The circuit court eventually ended the second day of cross-examination after Ross continuously asked questions that were irrelevant, confusing, or outside the scope of Dr. Collins’s report.

Finally, we reject Ross’s argument that Dr. Collins’s report and testimony were not credible. Ross’s argument is based on his contention that he no longer suffers from mental illness. Ross offers no evidence to support his contention. Moreover, the circuit court found Dr. Collins credible. We give deference to the circuit court’s credibility determinations and its weight of the evidence. *See State v. Wilinski*, 2008 WI App 170, ¶12, 314 Wis. 2d 643, 762 N.W.2d 399. We see no reason to disturb the circuit court’s findings.

For the foregoing reasons, we affirm the circuit court.

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

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*