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**DISTRICT I**

February 8, 2022

To:

Hon. Marshall B. Murray  
Circuit Court Judge  
Electronic Notice

Josh Steib  
Register in Probate  
Milwaukee County Courthouse  
Electronic Notice

Pamela Moorshead  
Electronic Notice

Lisa Marie Procaccio  
Electronic Notice

B. H.

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

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2020AP1976-NM

In the matter of the mental commitment of B.H.: Milwaukee  
County v. B.H. (L.C. # 2015ME1725)

Before Dugan, 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).**

B.H. appeals an order, entered after a bench trial, extending his involuntary mental health commitment for six months pursuant to WIS. STAT. § 51.20. Appellate counsel, Attorney Pamela Moorshead, filed and served a no-merit report and a supplemental no-merit report pursuant to WIS. STAT. RULE 809.32. B.H. has not filed a response. Upon consideration of the no-merit reports and an independent review of the record as required by *Anders v. California*, 386 U.S.

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<sup>1</sup> 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.

738 (1967), this court concludes that no arguably meritorious issues exist for an appeal, and therefore we summarily affirm.

The circuit court first committed B.H. pursuant to WIS. STAT. § 51.20, on September 25, 2015, finding him mentally ill and dangerous after he physically attacked and battered one of his family members. B.H. did not appeal from that order or from any of the three subsequent orders extending his commitment. On May 10, 2019, while B.H. was subject to a recommitment order with a June 1, 2019 expiration date, Milwaukee County petitioned to further extend his commitment for twelve months. A court-appointed psychiatrist, Dr. Charles Rainey, and a court-appointed psychologist, Dr. Joan Nuttall, examined B.H., and each doctor filed a report reflecting the opinion that B.H. is mentally ill and would likely become a proper subject for commitment if treatment were withdrawn. The circuit court scheduled a hearing for May 24, 2019, but B.H. moved to dismiss, asserting that the County did not give him access to the doctors' reports within forty-eight hours of the hearing date, as required by WIS. STAT. § 51.20(10)(b). The circuit court denied the motion to dismiss and instead adjourned the hearing to May 28, 2019. At that hearing, Rainey and Monica Barnette, a social worker who serves as B.H.'s case manager, testified on the County's behalf. B.H. elected not to testify. At the conclusion of the hearing, the circuit court entered an order extending B.H.'s commitment for six months. That May 28, 2019 order underlies the instant appeal.

In the no-merit reports, appellate counsel examines whether the evidence was sufficient to support the circuit court's decision to extend B.H.'s commitment, whether the circuit court lost competency to proceed when the County did not provide the doctors' reports to B.H. within forty-eight hours of the May 24, 2019 hearing date, and whether trial counsel was ineffective for failing to object to an adjournment of the hearing. In light of appellate counsel's analysis and

our independent review of the record, we are satisfied that these issues lack arguable merit for appeal. Additional discussion of these issues is not necessary.

Our independent review of the record does not reveal any other issues warranting discussion. Moreover, the issues are moot. “An issue is moot when its resolution will have no practical effect on the underlying controversy.” *Portage Cnty. v. J.W.K.*, 2019 WI 54, ¶11, 386 Wis.2d 672, 927 N.W.2d 509 (citation omitted). Here, the six-month commitment extension ordered on May 28, 2019, expired before B.H. filed a notice of appeal from that order on November 20, 2020. “An appeal of an expired commitment order is moot” because the individual is no longer subject to the order being appealed. *See id.*, ¶14. After expiration of the May 28, 2019 order, the circuit court entered additional orders that further extended B.H.’s commitment, and invalidating the expired order of May 28, 2019, would have no impact on the subsequent extensions.<sup>2</sup> *See id.*, ¶28. Accordingly, resolution of any issue in this matter will have no practical effect. For all the foregoing reasons, this court concludes that further postconviction or appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

IT IS ORDERED that the judgment of recommitment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Pamela Moorshead is relieved of any further representation of B.H. in this matter. *See* WIS. STAT. RULE 809.32(3).

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*

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<sup>2</sup> The record reflects that after the May 28, 2019 order expired, the circuit court entered a series of three orders further extending B.H.'s commitment. Although those three orders are in the appellate record, we cannot and do not consider their merits. *See* WIS. STAT. RULE 809.10(4) (appeal from a final order brings before this court only prior nonfinal judgments, orders, and rulings adverse to the appellant).