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DISTRICT II

May 4, 2022

To:

Hon. Sandra Jo Giernoth
Circuit Court Judge
Electronic Notice

Theresa Russell
Clerk of Circuit Court
Washington County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Kelsey Jarecki Morin Loshaw
Electronic Notice

Elliott E. Leistikow
301 Troy Dr.
Mendota Mental Health Inst.
Madison, WI 53704

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

2021AP1660-CRNM State of Wisconsin v. Elliott E. Leistikow (L.C. #2021CF197)

Before Neubauer, Grogan and Kornblum, 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).

Elliott E. Leistikow appeals from an order authorizing the involuntary administration of medication to restore his competency to stand trial. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738 (1967). Leistikow received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record,

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

we conclude there are no issues with arguable merit for appeal. We summarily affirm the order. *See* WIS. STAT. RULE 809.21.

In April 2021, the State charged Leistikow with two counts of disorderly conduct as an act of domestic abuse and one count of felony criminal damage to property. He was accused of being verbally abusive towards his parents and pouring gasoline inside their residence.

Based upon Leistikow's bizarre behavior, the circuit court ordered a competency evaluation. The evaluation opined that Leistikow was not competent but likely to regain competency within the statutory time period. After a hearing, the circuit court entered an order for commitment.

Several months later, Leistikow's treating physician at Mendota Mental Health Institute filed a motion for an order for involuntary administration of medication. After another hearing, the circuit court granted the motion but stayed it pending appeal. This no-merit appeal follows.

The no-merit report addresses whether there was sufficient evidence to sustain the order for involuntary administration of medication under WIS. STAT. § 971.14 and *Sell v. United States*, 539 U.S. 166 (2003). This court is satisfied that the no-merit report correctly analyzes the issue it raises as without merit, and we will not discuss it further.

Our independent review of the record does not disclose any potentially meritorious issue 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 and relieve Attorney Kelsey Jarecki Morin Loshaw of further representation of Leistikow in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Kelsey Jarecki Morin Loshaw is relieved of further representation of Elliott E. Leistikow in this matter.

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

Sheila T. Reiff
Clerk of Court of Appeals