



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT III

February 21, 2023

To:

Hon. Jay N. Conley
Circuit Court Judge
Electronic Notice

Peggy Miller
Register in Probate
Oconto County Courthouse
Electronic Notice

Tristan Breedlove
Electronic Notice

Beth L. Ellingson
Electronic Notice

J. P. S.
930 Elmore Street
Green Bay, WI 54303

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

2022AP1443-NM Oconto County Health and Human Services v. J. P. S.
(L. C. No. 2021ME25)

Before Stark, P.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).

Jackson² appeals from orders extending his involuntary commitment under WIS. STAT. § 51.20 and authorizing the involuntary administration of medication and treatment pursuant to WIS. STAT. § 51.61(1)(g)4. The circuit court entered the orders based upon an uncontroverted recommitment evaluation performed by Dr. Marshall Bales and Jackson's own stipulation. Assistant State Public Defender Tristan Breedlove has filed a no-merit report seeking to

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

² For ease of reading, we refer to the appellant in this confidential appeal using a pseudonym, rather than his initials.

withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32. Jackson was informed of his right to respond to the no-merit report but has not filed a response. Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude that counsel will be allowed to withdraw and the commitment and involuntary medication orders shall be affirmed.

The no-merit report sets forth the procedural history of the case and discusses whether the circuit court properly entered the orders based upon Jackson's stipulation without conducting a colloquy. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that neither the statutes nor the Due Process Clause required a colloquy, either to determine Jackson's competency to enter the stipulation or to ensure that that stipulation was knowingly and voluntarily entered. In addition, Dr. Bales' report supports all of the necessary findings made by the court. The no-merit report sets forth an adequate discussion of these issues, and we need not address them further.

Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*. Accordingly, counsel shall be allowed to withdraw, and the commitment and involuntary medication orders will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

Upon the foregoing,

IT IS ORDERED that the commitment and involuntary medication orders are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Tristan Breedlove is relieved of any further representation of J.P.S. in this matter pursuant to WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals