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**DISTRICT II**

June 7, 2023

To:

Hon. Scott C. Woldt  
Circuit Court Judge  
Electronic Notice

Andrew Hinkel  
Electronic Notice

Sara Henke  
Register in Probate  
Winnebago County Courthouse  
Electronic Notice

Catherine B. Scherer  
Electronic Notice

P.D.F., #255306

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

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2022AP1558-NM

In the matter of the mental commitment of P.D.F.:  
Winnebago County v. P.D.F. (L.C. #2022ME22)

Before Lazar, 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).**

In this WIS. STAT. ch. 51 case, P.D.F. appeals from orders extending his commitment for twelve months and authorizing the involuntary administration of medication and treatment. P.D.F.'s appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32. P.D.F. has filed a response.<sup>2</sup> Having reviewed the no-merit report and P.D.F.'s response, and following an independent review of the entire record as mandated by *Anders v. California*, 386 U.S. 738

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<sup>1</sup> 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.

<sup>2</sup> The response does not contain any cognizable legal analysis.

(1967), we conclude there are no issues having arguable merit for appeal. Therefore, we summarily affirm the orders. *See* WIS. STAT. § 809.21(1).

P.D.F. has long been committed under WIS. STAT. ch. 51 and is currently a prison inmate. In January 2022, prior to the expiration of P.D.F.'s commitment, Winnebago County petitioned for recommitment pursuant to WIS. STAT. § 51.20(1)(a)2.b. and (1)(a)2.e. The circuit court held an evidentiary hearing on the petition on February 17, 2022, at which time Dr. Thomas Michlowski and psychiatric care supervisor Paul Chapa testified in support of the petition. P.D.F. testified for the defense. The court entered orders extending P.D.F.'s commitment on an outpatient basis with conditions and authorizing involuntary medication and treatment during the period of commitment. *See* WIS. STAT. § 51.61(1)(g)3m.

The no-merit report addresses the sufficiency of the evidence to support the orders pursuant to WIS. STAT. §§ 51.20(1)(a)2.e., (am) and 51.61(1)(g)4.<sup>3</sup> The testimony established that P.D.F. suffers from schizophrenia and that he would be a proper subject for commitment if treatment was withdrawn. Michlowski testified P.D.F. was not competent to make medication or treatment decisions, nor was he capable of expressing an understanding of the advantages and disadvantages of accepting medication even after those matters had been explained to him. During those conversations, Michlowski testified P.D.F. would “just ramble[] on about different chemicals in the brain.” He also testified P.D.F. was refusing an oral medication with which he

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<sup>3</sup> Having concluded that dangerousness was established under WIS. STAT. § 51.20(1)(a)2.e., the no-merit report does not address the alternative standard under (1)(a)2.b., which generally refers to a substantial probability of physical harm to other individuals. We note there was sufficient testimony on this ground, as Michlowski testified he took over P.D.F.'s care after P.D.F. threatened to kill his previous treatment provider. Additionally, Chapa testified that approximately one year prior to the hearing, P.D.F. had rushed the door of his cell during medication delivery, spitting at and threatening the staff.

had previously shown improvement because he did not like its side effects. According to Michlowski, absent a court order P.D.F. would not take the necessary medications and his condition would deteriorate further. Michlowski opined that P.D.F. had evidenced a substantial probability that, without treatment and medication, he would suffer severe mental, emotional and physical harm resulting in his inability to function independently in the community.

Based on the testimony, this court is satisfied that the no-merit report correctly concludes that any challenge based on the sufficiency of the evidence would lack arguable merit. This court also agrees with counsel's conclusions that the appellate record demonstrates the circuit court adhered to the temporal requirements attendant to a recommitment petition, afforded P.D.F. the rights prescribed under WIS. STAT. § 51.20(5), and complied with the mandate of *Langlade County v. D.J.W.*, 2020 WI 41, 391 Wis. 2d 231, 942 N.W.2d 277. The review of the appellate record does not disclose any potentially meritorious issue for appeal. This court therefore accepts the no-merit report.

Based upon the foregoing,

IT IS ORDERED that the orders of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that Attorney Andrew Hinkel is relieved of further representation of P.D.F. in this matter.

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*