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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 II

June 28, 2023

To:

Hon. Paul G. Czisny
Circuit Court Judge
Electronic Notice

Andrew Hinkel
Electronic Notice

Hon. Dale L. English
Circuit Court Judge
Electronic Notice

Meggin R. McNamara
Electronic Notice

S.R.H. #373501

Brenda L. Woelfel
Register in Probate
Fond du Lac County Courthouse
Electronic Notice

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

2023AP297-NM

In the matter of the mental commitment of S.R.H.:
Fond du Lac County v. S.R.H. (L.C. #2020ME231)

Before Neubauer, 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).

S.R.H. appeals the circuit court's order extending his involuntary commitment under WIS. STAT. ch. 51, and he also appeals the court's order for involuntary medication and treatment under ch. 51. Appointed appellate counsel has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. S.R.H. was advised of his right

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.

to file a response but has not done so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the circuit court's orders because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

While S.R.H. was still subject to a previous commitment order, Fond du Lac County filed an application for recommitment. Dr. Jamie Rambeau, a psychiatrist, conducted an examination of S.R.H. and submitted a report. The report stated that S.R.H. met multiple criteria for involuntary commitment as well the criteria for involuntary medication and treatment. S.R.H. obtained an independent examination from a second psychiatrist. The second psychiatrist submitted a report agreeing with Dr. Rambeau that S.R.H. met multiple criteria for involuntary commitment as well as the criteria for involuntary medication and treatment. The circuit court held a hearing during which Dr. Rambeau testified. At the conclusion of the hearing, the court extended S.R.H.'s commitment for twelve months and ordered involuntary medication and treatment during the commitment period.

The no-merit report addresses whether the evidence was sufficient to support both the order extending S.R.H.'s commitment and the order for involuntary medication and treatment. As to each order, the County had the burden of proof to satisfy the requisite criteria by clear and convincing evidence. *See Langlade County v. D.J.W.*, 2020 WI 41, ¶23, 391 Wis. 2d 231, 942 N.W.2d 277; *Outagamie County v. Melanie L.*, 2013 WI 67, ¶37, 349 Wis. 2d 148, 833 N.W.2d 607. Without reciting all of the evidence here, we agree with counsel that it would be frivolous to argue that the evidence was insufficient as to either order. Dr. Rambeau's testimony provided sufficient evidence to support each of the court's orders.

In *D.J.W.*, our supreme court held that “going forward circuit courts in recommitment proceedings are to make specific factual findings with reference to the subdivision paragraph of [WIS. STAT.] § 51.20(1)(a)2. on which the recommitment is based.” See *D.J.W.*, 391 Wis. 2d 231, ¶40. The circuit court made the required findings here, and it would be frivolous to argue otherwise.

The no-merit report states that there are no other arguably meritorious issues. Based upon our independent review of the record, we agree. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

IT IS ORDERED that the orders of the circuit court are summarily affirmed. See WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Andrew Hinkel is relieved of any further representation of S.R.H. in this matter.

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

Samuel A. Christensen
Clerk of Court of Appeals