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DISTRICT I

December 27, 2023

To:

Hon. Danielle L. Shelton
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Winn S. Collins
Electronic Notice

Dustin C. Haskell
Electronic Notice

Ronald Benjamin Singleton
Mendota Mental Health Institute
301 Troy Drive
Madison, WI 53704

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

2023AP350-CRNM State of Wisconsin v. Ronald Benjamin Singleton
(L.C. # 1997CF971882)

Before White, C.J., Donald, P.J., and Geenen, J.

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).

Ronald Benjamin Singleton appeals the order denying his petition for conditional release. His appellate counsel, Dustin C. Haskell, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22) and *Anders v. California*, 386 U.S. 738 (1967).¹ Singleton filed a

¹ Counsel recently filed a letter indicating that Singleton completed his court-ordered term of commitment and provided a copy of the circuit court's discharge order. Consequently, counsel indicates that this appeal may be moot. Counsel nevertheless makes clear that he is not asking the court to dismiss this no-merit appeal. Notwithstanding any potential mootness, we have conducted an independent review of the record.

All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

response. Upon this court's independent review of the record, counsel's no-merit report, and Singleton's response as mandated by *Anders*, we conclude that there is no issue of arguable merit that could be pursued on appeal. We therefore summarily affirm.

In February 1998, the circuit court found Singleton not guilty by reason of mental disease or defect for one count of arson to a building. The circuit court ordered Singleton committed for twenty-six years and eight months. During this time, Singleton filed numerous petitions for release, none of which were granted.

In November 2021, Singleton filed the underlying petition for conditional release from his commitment. Counsel was appointed for Singleton, and the circuit court ordered an examination of the defendant to determine whether conditional release was appropriate. *See* WIS. STAT. § 971.17(4)(b), (c).

The circuit court held a hearing on the petition where the court-appointed psychologist, Dr. Christina Engen, testified that Singleton was not an appropriate candidate for conditional release. Singleton also made a statement to the court. The court subsequently denied the petition for conditional release and detailed its reasoning. This no-merit appeal follows.

The no-merit report addresses whether the evidence was sufficient for the circuit court to deny Singleton's petition for conditional release. At a hearing on a petition for conditional release, the State must prove by clear and convincing evidence that the commitment should continue because the individual poses a significant risk of danger to himself, to others, or of serious property damage. WIS. STAT. § 971.17(4)(d). A circuit court determines dangerousness

by considering statutory factors² and “balancing ... society’s interest in protection from harmful conduct against the acquittee’s interest in personal liberty and autonomy.” *State v. Randall*, 2011 WI App 102, ¶15, 336 Wis. 2d 399, 802 N.W.2d 194 (citation omitted).

In reaching its decision, the circuit court cited the proper legal standard. The circuit court made a record regarding the nature and circumstances of the crime as set forth in the criminal complaint, which reflected that in 1997 Singleton approached police officers and told them his house was on fire. Singleton subsequently admitted that he was responsible for setting the fire. Referencing the complaint, the court relayed: “According to Mr. Singleton’s father, Mr. Singleton has schizophrenia, characterized by delusional beliefs regarding his relationship with Janet Jackson and his identity as Jesus Christ.”

The circuit court additionally made a record regarding ongoing concerns related to Singleton’s mental condition, which included Singleton harming himself by not eating. The circuit court explained that it gave great weight to Dr. Engen’s testimony and her report.

During her testimony, Dr. Engen explained that Singleton has a treatment-resistant mental illness. She noted that the risk factors that led to his past arson, which included auditory

² Pursuant to WIS. STAT. § 971.17(4)(d):

In making this determination, the court may consider, without limitation because of enumeration, the nature and circumstances of the crime, the person’s mental history and present mental condition, where the person will live, how the person will support himself or herself, what arrangements are available to ensure that the person has access to and will take necessary medication, and what arrangements are possible for treatment beyond medication.

hallucinations, were still present.³ In her report, which was admitted as evidence at the hearing, Dr. Engen noted that during her interview with Singleton, “[h]is expressed thought content was patently delusional, and contained themes of religiosity and power.” Given Singleton’s ongoing vulnerability to engage in acts that pose significant risks of property damage and harm to himself or others, Dr. Engen opined that he was not appropriate for conditional release.

When reviewing the sufficiency of the evidence, “we give deference to the [circuit] court’s determination of credibility and evaluation of the evidence and draw on its reasoning and adopt the [circuit] court’s reasonable inferences.” *Randall*, 336 Wis. 2d 399, ¶14. Nothing in the record or the no-merit report evidences that there would be any arguable merit to challenging the weight or credit the circuit court afforded the testimony or the court’s conclusion. Accordingly, we agree with counsel’s conclusion that there would be no arguable merit to challenging the court’s decision to deny Singleton’s petition for conditional release.

The no-merit report additionally addresses whether there is an issue of arguable merit stemming from the timing of the hearing, which was to occur within thirty days after Dr. Engen’s report was filed. *See* WIS. STAT. § 971.17(4)(d). Here, the circuit court held the hearing forty-four days after Dr. Engen filed her report and then took an additional thirty-three days to rule on the petition. We agree with counsel that because the deadline for holding a hearing on a petition for conditional release is directory, not mandatory, there is no remedy available to Singleton for the statutory breach. *State v. R.R.E.*, 162 Wis. 2d 698, 715, 470 N.W.2d 283 (1991).

³ In describing the underlying arson, Dr. Engen’s report relied on documentation indicating that Singleton believed God instructed him to set the fire.

Singleton filed two letters that we construe as a response to the no-merit report. The letters contain a variety of religious and political assertions. Singleton additionally claims that he was forced to take medication that he does not need, and he disputes the circuit court's conclusion that he is a danger to himself or others. We have already addressed the latter claim and concluded that the evidence is sufficient to support the court's conclusion. Singleton's other assertions do not constitute cognizable legal claims for which there is arguable merit.

Our review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the order is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Dustin C. Haskell is relieved of further representing Singleton in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals