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DISTRICT II

January 23, 2013

To:

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

2012AP1609-NM

In the matter of the mental commitment of Mark P.: Winnebago County v. Mark P. (L.C. # 2006ME588E)

Before Neubauer, P.J.¹

In this WIS. STAT. ch. 51 appeal, Mark P. appeals from an order extending his commitment due to mental illness for twelve months and from an order for involuntary medication and treatment. Mark P.'s appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Mark P. received a copy of the report and has filed numerous responses to it. Upon consideration of the report, Mark P.'s responses and an independent review of the record as mandated by *Anders* and RULE

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d). All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

809.32, we summarily affirm the orders because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

The no-merit report addresses (1) whether the circuit court complied with statutory procedures when Mark P. requested reexamination pursuant to WIS. STAT. § 51.20(16);² (2) whether there was sufficient evidence to support the twelve-month extension of Mark P.'s commitment and to require involuntary medication and treatment; and (3) whether there is any basis to challenge the involuntary medication order.

The no-merit report thoroughly discusses these issues. We agree with appellate counsel that these issues do not have arguable merit for appeal. The circuit court complied with statutory procedures and considered the appropriate factors in extending Mark P.'s commitment and subjecting him to involuntary medication and treatment. The evidence was sufficient to support the circuit court's orders. There is no basis to challenge either order.

We have reviewed Mark P.'s numerous responses to counsel's no-merit report. His responses are difficult to decipher. Mark P. seems to challenge the sufficiency of the evidence supporting the circuit court's orders. We have already concluded that the evidence was sufficient.

Mark P. argues that he is not mentally ill. Rather, he claims that he suffered a brain injury when he was exposed to strychnine. At the hearing in this matter, the examiners testified that Mark P.'s medical record does not substantiate his brain injury claim. The examiners

² When the circuit court holds a proceeding on a WIS. STAT. § 51.20(16) request for reexamination, the rules governing commitment proceedings generally apply. Sec. 51.20(16)(g).

diagnosed Mark P. as schizophrenic with continuing, uncontrolled symptoms. The circuit court relied upon this diagnosis in issuing the orders from which Mark P. appeals.

Finally, Mark P. raises issues relating to his criminal convictions. The convictions are outside the scope of this appeal. Therefore, we do not address these arguments.

Our independent review of the record does not disclose any potentially meritorious issues 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, affirm the orders, and relieve Attorney Suzanne L. Hagopian of further representation of Mark P. in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Suzanne L. Hagopian is relieved of further representation of Mark P. in this matter.

Diane M. Fremgen
Clerk of Court of Appeals