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DISTRICT II

March 27 , 2013

To:

Hon. Daniel J. Bissett
Circuit Court Judge
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You are hereby notified that the Court has entered the following opinion and order:

2012AP2286-NM

In the matter of the mental commitment of David N.: Winnebago
County v. David N. (L.C. # 2012ME174)

Before Brown, C.J.¹

In this WIS. STAT. ch. 51 appeal, David N. appeals from an order committing him for mental health treatment and an order authorizing the involuntary administration of medication and treatment. David's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). David received a copy of the report, was advised of his right to file a response, and has elected not to do so. After reviewing the record

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2011-12). All references to the Wisconsin Statutes are to the 2011-12 version.

and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the orders. *See* RULE 809.21.

The no-merit report addresses the following appellate issues: (1) whether the circuit court complied with statutory procedures governing the involuntary commitment of a person who, like David, is an inmate of a state prison; (2) whether there is any arguable merit to claim that the county failed to prove by clear and convincing evidence the allegations made pursuant to WIS. STAT. § 51.20(1)(ar) for David's commitment; and (3) whether there is any basis for challenging the circuit court's order allowing the involuntary administration of medication and treatment.

The no-merit report thoroughly discusses these issues. We agree with appellate counsel that these issues do not have arguable merit for appeal. Here, the circuit court followed the statutory procedures, including the time limits, governing the commitment of an inmate like David. The testimony of David's treating psychiatrist at the final hearing satisfied the County's burden to prove all required facts by clear and convincing evidence. *See* WIS. STAT. § 51.20(13)(e). Additionally, the psychiatrist's testimony was sufficient to satisfy the applicable standards. *See K.N.K. v. Buhler*, 139 Wis. 2d 190, 198, 407 N.W.2d 281 (Ct. App. 1987) (the application of the facts to a statutory concept presents a question of law we review de novo). Accordingly, there is no basis to challenge either circuit court order.

Our independent review of the record does not disclose any potentially meritorious issue 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 and relieve Attorney Suzanne L. Hagopian of further representation of David 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 David N. in this matter.

Diane M. Fremgen
Clerk of Court of Appeals