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**DISTRICT II**

April 17, 2013

To:

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Circuit Court Judge  
Waukesha County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2012AP2165-NM

In the matter of the mental commitment of Jeffrey S.E.: Waukesha County v. Jeffrey S.E. (L.C. #2007ME972)

Before Gundrum, J.<sup>1</sup>

Jeffrey S.E. appeals from an order extending his mental health commitment and authorizing involuntary medication and treatment. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32, and *Anders v. California*, 386 U.S. 738 (1967). Upon consideration of the report, Jeffrey's response, and an independent review of the record,

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<sup>1</sup> 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 unless otherwise noted.

we conclude that the order may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal.<sup>2</sup> *See* WIS. STAT. RULE 809.21.

Jeffrey has suffered from delusions that he has had electronic devices implanted in his body since 1983. He has been the subject of a continuous mental health commitment in Waukesha County since 2007. Jeffrey's treatment and administration of medication is managed on an outpatient basis. Dr. Charles Cahill testified that Jeffrey suffers from mental illness, is helped by the antipsychotic medication that he is required to take, that he would cease medication if not under a commitment order, and that he would decompensate and would have to be committed if he ceased treatment. He also explained that Jeffrey believes he does not suffer from mental illness and has no need for medication and therefore lacks an understanding of the advantages and disadvantages in taking the medication. Jeffrey's case worker of two and one-half years confirmed that Jeffrey only takes medications because of the court order to do so and that Jeffrey would not be able to function independently in the community without the medications.

The no-merit report addresses whether the evidence offered was sufficient to extend Jeffrey's mental health commitment and require the involuntary medication and treatment. The report notes the appropriate standard for each intervention. *See* WIS. STAT. §§ 51.20(1)(a)2. and (am), 51.61(1)(g)4.b. By the testimony of Cahill the County met its burden to prove all required facts by clear and convincing evidence. *See* § 51.20(13)(e). Additionally, the testimony of

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<sup>2</sup> The order entered March 1, 2012, extended Jeffrey's commitment for twelve months. The order expired before this appeal was ready for submission to the court. The circuit court docket entries reflect that Jeffrey's commitment was extended in February 2013. Therefore, the appeal is not moot.

Cahill 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 statutory recommitment requirements presents a question of law we review de novo). There is no arguable merit to challenging the sufficiency of the evidence on appeal.

Our review of the record discloses no other potential issues for appeal.<sup>3</sup> Accordingly, this court accepts the no-merit report, affirms the order of the circuit court and discharges appellate counsel of the obligation to represent Jeffrey further in this appeal.

Upon the foregoing reasons,

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 from further representing Jeffrey S.E. in this matter. *See* WIS. STAT. RULE 809.32(3).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*

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<sup>3</sup> Jeffrey's response to the no-merit report provides a history of his condition and life circumstances. It does not attempt to identify any potential errors in the extension proceeding.