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June 9, 2016

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L. S.

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

2015AP1484-NM

In re the commitment of L. S.: Milwaukee County v. L. S.
(L.C. #2002ME1188)

Before Kessler, J.¹

L.S. appeals an order extending his involuntary commitment under WIS. STAT. ch. 51 (2013-14).² Appellate counsel for L.S., Hannah Schieber Jurss, filed a no-merit report under WIS. STAT. RULE 809.32. L.S. was informed of his right to file a response, but he has not done so. After reviewing the no-merit report and conducting an independent review of the record, we agree with counsel's conclusion that an appeal would lack arguable merit. Therefore, we affirm the circuit court's order.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2013-14).

² All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

A person may be involuntarily committed if he or she: (1) is mentally ill; (2) is dangerous; and (3) is a proper subject for treatment. *See* WIS. STAT. § 51.20(1). A petitioner seeking to commit an individual must show that the person meets these criteria by clear and convincing evidence. § 51.20(13)(e). “Treatment” is defined as “psychological, educational, social, chemical, medical or somatic techniques *designed to bring about rehabilitation* of a mentally ill ... person.” § 51.01(17) (emphasis added). A person has rehabilitative potential, and is thus a proper subject for treatment under ch. 51, if treatment will control or improve the individual’s underlying disorder and its symptoms. *Fond du Lac Cty. v. Helen E.F.*, 2012 WI 50, ¶36, 340 Wis. 2d 500, 814 N.W.2d 179.

L.S., through his lawyer, stipulated at the commitment hearing that he had a mental illness and met the criteria for dangerousness. He argued, however, that he was not a proper subject for treatment because he cannot be rehabilitated. The no-merit report therefore addresses whether there would be arguable merit to a claim that L.S. is not a proper subject for treatment because he cannot be rehabilitated.

At the hearing, Dr. Joan Nuttall, a clinical psychologist, testified that L.S. has paranoid schizophrenia. Dr. Nuttall testified that L.S. has auditory hallucinations and delusions due to his illness and he becomes very physically and verbally aggressive. She testified that he engages in threatening behavior, isolates himself, and becomes selectively mute. Dr. Nuttall explained that L.S. has been prescribed medications that “reduce the frequency and intensity of [his] symptoms, or control them altogether.” She further explained that the medications decrease L.S.’s hallucinations and paranoia, and help L.S.’s thinking to become more based in reality, so that he has a better understanding of the impact of and the appropriateness of his behavior.

Dr. Robert Clark testified that he is a licensed medical doctor and L.S. is his patient. He testified that L.S. is being treated with Haldol, an anti-psychotic, which improves L.S.'s psychosis, makes him less paranoid, makes him less aggressive, and makes him more cooperative with other people. Dr. Clark testified that L.S. is also being treated with Depakote, a mood stabilizer, which reduces his delusions and auditory hallucinations, making him less dangerous to himself and others. Dr. Clark acknowledged that the drugs do not cure L.S. of his illness, but lessen the effects of the illness on L.S. by reducing his symptoms.

The trial testimony of Dr. Nuttall and Dr. Clark establishes that L.S.'s paranoid schizophrenia and its symptoms improve when he is treated for his illness. Because his illness improves with treatment, he has rehabilitative potential. Therefore, there would be no arguable merit to a claim that L.S. should not have been committed because he is not a proper subject for treatment under WIS. STAT. § 51.20(1).

Our independent review of the record reveals no other issues of arguable merit that could be raised in an appeal. We therefore affirm the order committing L.S. and relieve Attorney Jurss of further representation of L.S.

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

IT IS FURTHER ORDERED that Attorney Hannah Schieber Jurss is relieved of any further representation of L.S. on appeal. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals