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DISTRICT II

December 21, 2016

To:

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

2016AP1498-NM In the matter of the mental commitment of B.M.C.:
 Waukesha County v. B.M.C. (L.C. #2010ME1084)

Before Reilly, P.J.¹

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

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2013-14). All references to the Wisconsin Statutes are to the 2013-14 version.

so. After reviewing the record 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 there were any procedural errors that deprived the circuit court of competency to proceed; (2) whether there is any arguable merit to claim that the county failed to prove by clear and convincing evidence that B.M.C. was in need of continued 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, there were no procedural errors that deprived the circuit court of competency to proceed. The testimony of the court-ordered psychologist at the hearing on the extension petition satisfied the county's burden to prove all required facts by clear and convincing evidence. *See* WIS. STAT. § 51.20(13)(e). Additionally, his 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 Len Kachinsky of further representation of B.M.C. in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Leonard D. Kachinsky is relieved of further representation of B.M.C. in this matter.

Diane M. Fremgen
Clerk of Court of Appeals