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110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
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**DISTRICT II**

April 17, 2019

To:

Hon. David M. Reddy  
Circuit Court Judge  
Walworth County Courthouse  
P.O. Box 1001  
Elkhorn, WI 53121

Kristina Secord  
Walworth County Courthouse  
P.O. Box 1001  
Elkhorn, WI 53121-1001

David A. Bretl  
Walworth County Corporation Counsel  
P.O. Box 1001  
Elkhorn, WI 53121

Catherine Malchow  
Assistant State Public Defender  
P.O. Box 7862  
Madison, WI 53707-7862

H. L. L.  
301 Troy Dr.  
Madison, WI 53704

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

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2018AP650-NM

In re the commitment of H.L.L.:  
Walworth County v. H.L.L. (L.C. #2017ME18)

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

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

H.L.L. appeals an order extending her mental health commitment and authorizing her involuntary medication and treatment. Her appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32, and *Anders v. California*, 386 U.S. 738 (1967). H.L.L. received a copy of the report, was advised of her right to file a response, and has elected not to do so. Upon

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2017-18). All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

consideration of the report and an independent review of the record, we conclude that the order may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

In February 2017, H.L.L. was committed for six months to a locked facility and was determined incompetent to refuse psychotropic medication and treatment. Five months later, the County petitioned to extend H.L.L.'s commitment, alleging that after her release from the hospital, she had to be readmitted "due to lack of orientation and inability to meet her own needs," and that she was resistant to her medication injection schedule. At the recommitment hearing, Dr. Robert Rawski, a board-certified psychiatrist, testified that H.L.L. continued to suffer from schizoaffective disorder, that she recently required hospitalization, and that due to her unwillingness to show up for appointments, her medical injections had not been provided on a timely basis. He testified that medication was necessary to ameliorate her delusions and disruptive behavior, and opined to a reasonable degree of medical certainty that she would become a proper subject for commitment were treatment withdrawn. Rawski testified that he explained the advantages and disadvantages of and alternatives to medication with H.L.L. but that she was "incapable of responding in an organized coherent fashion" to his questions, and demonstrated an "inability to apply the information to her condition." The circuit court entered a recommitment order and authorized the involuntary administration of medication and treatment. H.L.L. appeals.

The no-merit report addresses whether the evidence offered was sufficient to extend H.L.L.'s mental health commitment and to require her involuntary medication and treatment. The no-merit report sets forth the appropriate standard for each intervention. *See* WIS. STAT. §51.20(1)(a)2., (am) (recommitment); WIS. STAT. § 51.61(1)(g)4. (involuntary medication and

treatment). By Rawski's testimony, the County met its burden to prove all required facts by clear and convincing evidence. *See* § 51.20(13)(e). Additionally, the evidence satisfies the applicable standards for recommitment and involuntary medication. *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); *see also Outagamie Cnty. v. Melanie L.*, 2013 WI 67, ¶39, 349 Wis. 2d 148, 833 N.W.2d 607 (whether the County has put forth sufficient evidence to meet its burden to prove the statutory elements for an involuntary medication order is a question of law). 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. Accordingly, this court accepts the no-merit report, affirms the order of the circuit court and discharges appellate counsel from having to further represent H.L.L. in this appeal. Therefore,

IT IS ORDERED that the order for recommitment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Catherine R. Malchow is relieved from further representing H.L.L. in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*