



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

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
Web Site: www.wicourts.gov

DISTRICT III/II

April 17, 2019

To:

Hon. Carrie A. Schneider
Circuit Court Judge
320 S. Walnut Street
Appleton, WI 54911

Patrick Michael Taylor
Outagamie County Corp. Counsel
320 S. Walnut Street
Appleton, WI 54911

Susan Lutz
Register in Probate
Outagamie County Courthouse
320 S. Walnut Street
Appleton, WI 54911

T.T.
721 West Eighth Street, #1
Appleton, WI 54914

Diane Lowe
Lowe Law, L.L.C.
1809 N. Cambridge Avenue, Ste. 306
Milwaukee, WI 53202

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

2018AP843-NM

Outagamie County v. T.T. (L.C. #2014ME104)

Before Neubauer, C.J.¹

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).

T.T. appeals an order extending his mental commitment for twelve months on an outpatient basis and authorizing his 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

¹ 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.

U.S. 738 (1967). T.T. received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon 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.

T.T. suffers from schizophrenia and has been subject to a mental health commitment order, including involuntary medication and treatment, since 2014. His diagnosis includes moderate to severe opioid use disorder with opioid intoxication delirium. The October 2017 recommitment petition alleged that in June 2017, a paranoid T.T. contacted police, who found narcotics in his possession. This resulted in a felony drug conviction. Dr. Marshall J. Bales was appointed to examine T.T. and filed a report concluding that T.T. satisfied the criteria for recommitment and the involuntary administration of medication. Bales testified at the recommitment hearing and his report was admitted into evidence. Bales testified that T.T. “just does not believe himself to be mentally ill or he thinks he’s fine now even if he potentially was mentally ill before.” Bales opined that absent recommitment, T.T. would not comply with treatment and “all [his] progress will fall apart.” Bales testified that he explained to T.T. the advantages and disadvantages of and alternatives to medication and opined to a reasonable degree of “professional and medical certainty” that T.T. was “not competent to refuse” psychiatric medication. The circuit court entered a recommitment order and authorized the involuntary administration of medication and treatment. T.T. appeals.

The no-merit report addresses whether the evidence offered was sufficient to extend T.T.’s mental health commitment and to require his involuntary medication and treatment. The no-merit report states the appropriate standard for each intervention. *See* WIS. STAT. § 51.20(1)(a)2. and (am) (recommitment); WIS. STAT. § 51.61(1)(g)4. (involuntary medication

and treatment). By Bales' report and 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 T.T. 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 Diane Lowe is relieved from further representing T.T. in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals