

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**June 29, 2006**

Cornelia G. Clark  
Clerk of Court of Appeals

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal Nos. 2005AP1321  
2005AP1322**

**Cir. Ct. Nos. 2003CV309  
2003CV321**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**STATE OF WISCONSIN EX REL. RONALD A. KEITH, SR.,**

**PETITIONER-APPELLANT,**

**V.**

**DEPARTMENT OF HEALTH AND FAMILY SERVICES,**

**RESPONDENT-RESPONDENT.**

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APPEAL from an order of the circuit court for Juneau County:  
JOHN P. ROEMER, JR., Judge. *Affirmed.*

Before Lundsten, P.J., Deininger and Higginbotham, JJ.

¶1 PER CURIAM. Ronald Keith, Sr., *pro se*, appeals the circuit court's order denying his petitions for transfer from the Sand Ridge Secure Treatment Center. Keith argues that: (1) he should be transferred to the care of the

Department of Veterans Affairs; (2) he should be transferred to Illinois pursuant to the Interstate Compact on Mental Health; (3) the circuit court should have appointed three physicians to help the circuit court determine whether he should be transferred to Illinois; and (4) he should be transferred in the interest of justice and fundamental fairness. We affirm.

¶2 Keith has been committed as a sexually violent person under WIS. STAT. ch. 980 (2003-04).<sup>1</sup> Keith petitioned the Circuit Court for Juneau County for transfer to a Veterans Administration hospital. He also petitioned for transfer to Illinois pursuant to the Interstate Compact on Mental Health. The circuit court denied both petitions.

¶3 Keith argues that the circuit court should have directed the Wisconsin Department of Health and Family Services to transfer him to a Veterans Administration facility in lieu of his civil commitment to Sand Ridge Secure Treatment Center. A circuit court may direct a patient's assignment to a Veterans Administration hospital "upon receipt of a certificate of eligibility from the U.S. department of veterans affairs." WIS. STAT. § 45.30(1). Keith submitted a letter from the Department of Veterans Affairs that stated that "veterans in the custody of civil authorities ... must be released by [the] appropriate authorities under circumstances where there is no obligation placed on [the] VA to exercise custodial restraint." Keith is involuntarily committed as a sexually violent person pursuant to WIS. STAT. ch. 980 and is subject to custodial restraint due to his commitment. The letter Keith submitted shows that the Department of Veterans

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2003-04 version unless otherwise noted.

Affairs will not admit him at any of its facilities. The circuit court properly denied Keith's petition. Keith provides no authority for the proposition that the Wisconsin Department of Health and Family Services has the authority to force the Department of Veterans Affairs to accept a veteran required to be under restraint by state law.

¶4 Keith also argues that the circuit court should have granted his request for transfer to an Illinois facility under the Interstate Compact on Mental Health. *See* WIS. STAT. § 51.75. The Compact allows for transfer of patients who have been involuntarily committed for treatment under WIS. STAT. § 51.20. *See* WIS. STAT. § 51.77(5). Keith was involuntarily committed under WIS. STAT. ch. 980, not under ch. 51. Therefore, the Compact does not apply to him. In addition, the Compact provides that “[n]o state is obliged to receive any patient ... unless the receiving state agrees to accept the patient.” WIS. STAT. § 51.75(3)(c). Illinois did not agree to accept Keith. The circuit court properly denied the petition for transfer to Illinois under the Compact.

¶5 Keith argues that the circuit court should have appointed three physicians to help the circuit court determine whether Keith should be transferred to Illinois. *See* WIS. STAT. § 51.77(2) (patient transfer under the Compact “shall be upon recommendation of no less than 3 physicians”). Because Illinois did not agree to accept Keith, the circuit court was not required to appoint physicians to help the court determine whether Keith should be transferred.

¶6 Keith next argues that he should be transferred from Sand Ridge Secure Treatment Center in the interest of justice and fundamental fairness. He argues that his mental health condition will improve if he is not forced to live with other sex offenders as he must at Sand Ridge. We reject this argument. The

interest of justice is a concept that must encompass both Keith's needs and society's need to be protected from Keith. His commitment to Sand Ridge balances both needs.

¶7 The State contends that Keith has petitioned the wrong court for relief. We agree. WISCONSIN STAT. ch. 980 provides that patients may petition *the committing court* to modify an order of commitment. See WIS. STAT. § 980.08(1). Keith petitioned the Juneau County Circuit Court for release because he is being held in Juneau County. Under § 980.08, Keith should have petitioned the Dane County Circuit Court because he was committed by the Dane County Circuit Court.

*By the Court.*—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

