COURT OF APPEALS
DECISION
DATED AND FILED

July 14, 2010

A. John Voelker
Acting Clerk of Court of Appeals

Appeal No. 2010AP118 **Cir. Ct. No. 2009ME112**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT II

IN THE MATTER OF THE MENTAL COMMITMENT OF TAMMY L. C.:

MANITOWOC COUNTY HUMAN SERVICES DEPARTMENT,

PETITIONER-RESPONDENT,

V.

TAMMY L. C.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Manitowoc County: DARRYL D. DEETS, Judge. *Dismissed*.

¶1 BROWN, C.J.[1] Tammy L. C. appeals from an order committing her for mental health treatment pursuant to WIS. STAT. § 51.20. But she was discharged from her commitment on April 7, 2010, when no extension was sought. We dismiss this appeal as moot.

¶2 Appellate courts will generally not consider cases where the resolution of an issue will have no meaningful effect on the underlying controversy. ***State v. Litscher***, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425. Manitowoc County Human Services Department suggests that this appeal is moot. Tammy L. C. claims that we should decide the merits anyway because she asserts that the issue she raises is likely to arise again. She is convinced that a decision by this court would eliminate uncertainty in the law. She also contends that mootness will always be a potential roadblock to getting a published decision on the issue she raises and it is therefore best to address the merits now.

¶3 In a nutshell, she notes that WIS. STAT. § 51.20(1)(a)2.c. requires a pattern of dangerous activity rather than a single act. She complains that no published appellate decision has yet analyzed the meaning of "pattern" as it occurs in the commitment statute and asks this court to "fill that gap" by explaining what evidence is sufficient to prove a pattern. She argues that the pattern must be established by multiple episodes of recent conduct, which we read to mean acts separated by space, time and manner, rather than one, single interaction with "piecemeal components."

[1] This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2007-08). All references to the Wisconsin Statutes are to the 2007-08 unless otherwise noted

¶4 We have researched both the published and unpublished opinions to see if this issue is a recurrent one under WIS. STAT. § 51.20(1)(a)2.c. It is not. In fact, there is only one other case, about a decade old, that remotely touched on the same issue raised here. We are not persuaded that this is a recurring issue.

¶5 Moreover, it appears that the issue of what constitutes a "pattern" is a fact-specific exercise rather than one that can be made into a neat, legal syllogism whereby space, time and manner become the defining attributes of what constitutes a "pattern" of recent acts. In each case involving a single intervention, one side could argue that even though the petition alleges separate acts within that intervention, all the facts are just parts of the same intervention. The other side could argue, however, that each act is a clearly definable and different dangerous act. Resolution of the dispute is for the fact finder based on the facts of each case. Fact-intensive issues are not good candidates for definitive, bright-line decision making of the type that would compel us to sweep mootness aside.

¶6 Therefore, it is ordered that this appeal is dismissed as moot.

By the Court.—Appeal dismissed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.