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**DISTRICT I**

November 4, 2025

To:

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

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2023AP1217-CR

State of Wisconsin v. Matthew Lee Morales (L.C. # 2018CF1813)

Before White, C.J., Donald, and Geenen, JJ.

**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).**

Matthew Lee Morales appeals from an order of the circuit court that denied his petition for conditional release. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).<sup>1</sup> The order is summarily reversed.

On April 15, 2018, Morales stabbed his mother's sixty-five-year-old boyfriend, P.P., eleven times with a bayonet. According to the criminal complaint, the only thing Morales said

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

during the attack was, “This is for Michael the Archangel.” When police arrived, P.P. was on the floor bleeding, Morales’s mother was screaming, and Morales was sitting calmly on the couch. The State charged Morales with one count of attempted first-degree intentional homicide by use of a dangerous weapon.

There was concern about Morales’s competency to stand trial; the circuit court ordered an evaluation. Dr. Jenna Niess diagnosed Morales with “Unspecified Schizophrenia Spectrum and Other Psychotic Disorder,” and Morales was deemed incompetent to stand trial. He was committed for treatment and restored to competency.

In October 2018, the State and Morales reached a plea agreement. Morales would enter a not-guilty-by-reason-of-mental-disease-or-defect (NGI) plea and plead guilty to the attempted homicide charge in the guilt phase while having a bench trial for the responsibility phase. *See State v. Fugere*, 2019 WI 33, ¶26, 386 Wis. 2d 76, 924 N.W.2d 469 (describing bifurcation of case upon NGI plea). The only evidence presented at the bench trial was Dr. Niess’s testimony about Morales’s hyper-religious, delusional thought process spurred by his schizophrenia. After Dr. Niess’s testimony, both parties agreed that Morales should be deemed NGI, and the circuit court so found. In March 2019, the court committed Morales to Mendota Mental Health Institute for twenty-five years.

Morales petitioned for conditional release in September 2019 and September 2020. *See* WIS. STAT. § 971.17(4). However, Morales withdrew each petition after the doctors evaluating him for those petitions concluded that Morales still posted a significant risk of harm to himself or the community.

Morales filed again for conditional release in December 2021, and that petition underlies this appeal. Dr. Michael Woody, one of the doctors who had previously examined Morales in 2020, now concluded that Morales “would not pose a substantial risk of harm to himself, others or of property damage if placed on conditional release[.]” The State requested a second opinion, and Dr. Deborah Collins concluded “that there is *not presently support* for a conclusion that Mr. Morales, if conditionally released at this time, would pose a significant risk of bodily harm to himself, others, or of serious property damage.” (Emphasis added.) After an evidentiary hearing that included Woody’s and Collins’s testimonies, the circuit court concluded that the State had met its burden and denied the release petition. Morales appeals.

The circuit court must grant a petition for conditional release “unless it finds by clear and convincing evidence that the person would pose a significant risk of bodily harm to himself or herself or to others or of serious property damage if conditionally released.” WIS. STAT. § 971.17(4)(d). On appeal, the proper standard of review is the sufficiency of the evidence test. *State v. Randall (Randall III)*, 2011 WI App 102, ¶13, 336 Wis. 2d 399, 802 N.W.2d 194. We defer to the circuit court’s “determination of credibility and evaluation of the evidence” and adopt its reasonable inferences; if there are multiple reasonable inferences, we will adopt the inference that the circuit court did. *Id.*, ¶14.

“The ultimate determination of dangerousness requires a careful balancing of society’s interest in protection from harmful conduct against the acquittee’s interest in personal liberty and autonomy.” *State v. Randall (Randall I)*, 192 Wis. 2d 800, 839, 532 N.W.2d 94 (1995). “[T]he circuit courts of this state are properly guided in balancing these competing interests by the statutory factors provided by the legislature” in WIS. STAT. § 971.17(4)(d). *Randall I*, 192 Wis. 2d at 839. These factors include

the nature and circumstances of the crime, the person’s mental history and present mental condition, where the person will live, how the person will support himself or herself, what arrangements are available to ensure that the person has access to and will take necessary medication, and what arrangements are possible for treatment beyond medication.

Sec. 971.17(4)(d). This list is neither exclusive nor exhaustive; the court may consider the listed factors “without limitation because of enumeration.” *Id.*

The State concedes in its brief that the circuit court’s analysis “could have been more robustly articulated.” We agree, because the decision as articulated fails to demonstrate any reasoning process or a proper balancing of relevant factors. The circuit court’s oral ruling is primarily a recitation of the historical facts, none of which appear to be in serious dispute. While the circuit court did articulate the proper legal test, it simply proclaimed that:

[c]onsidering the testimony of the experts, the victim impact statement, the nature and circumstances of the crime, Mr. Morales’s prior record, aspects of the record, since there is still a risk of bodily harm to others if conditionally released, and all of the constellation of factors together lead to the conclusion, by clear and convincing evidence, that the State has met its burden, and the [c]ourt denies the petition for conditional release.

This determination is a conclusory, insufficient explanation of the facts and inferences upon which the circuit court relied in deciding that the State had clearly and convincingly shown that Morales posed a significant risk if released. *See id.*

There is also no indication that the circuit court balanced any of the statutory factors. Morales contends that the circuit court considered only the seriousness of his offense and the victim’s wishes, without consideration of other factors, particularly the two expert opinions that Morales did not pose a significant risk. We acknowledge that the circuit court is not required to accept or defer to expert opinion. *See State v. Slagoski*, 2001 WI App 112, ¶9, 244 Wis. 2d 49,

629 N.W.2d 50, *overruled in part on other grounds by State v. Harbor*, 2011 WI 28, 333 Wis. 2d 53, 797 N.W.2d 828. However, we have no idea how much weight, if any, the circuit court gave those opinions because it simply does not tell us. There is also no indication that the circuit court considered Morales's improved mental health while committed, his medication compliance, or the detailed plans for his release. A circuit court misuses its discretion when it fails to state the relevant and material factors that influenced its decision, relies on immaterial factors, or gives too much weight to one factor in the face of other contravening factors. *State v. Steele*, 2001 WI App 160, ¶10, 246 Wis. 2d 744, 632 N.W.2d 112.

Accordingly, we reverse. Under other circumstances, we might also remand this case with directions to notify the department of health services under WIS. STAT. § 971.17(4)(e)1. However, electronic docket entries indicate that Morales was granted conditional release in December 2024, so further proceedings do not appear to be needed at this time.<sup>2</sup>

IT IS ORDERED that the order is summarily reversed. *See* WIS. STAT. RULE 809.21.

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*

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<sup>2</sup> We have also considered that the current appeal may be moot, although it is unclear whether that is the case. *Cf. State v. Cramer*, 98 Wis. 2d 416, 420, 296 N.W.2d 921 (1980) (concluding the grant of conditional release while appealing a commitment extension order rendered appeal moot), *with* WIS. STAT. § 46.10(2) (providing that any person committed under WIS. STAT. § 971.17(1) who is receiving care and services provided by any institution in this state, shall be liable for the cost of the care), *and Sauk Cnty. v. S.A.M.*, 2022 WI 46, ¶24, 402 Wis. 2d 379, 975 N.W.2d 162 (explaining that if a commitment order is vacated, any liability under § 46.10(2) tied to that particular commitment period no longer exists). Further, neither Morales nor the State have directly informed this court of his release, and we decline to rely solely on the docket entries to dismiss this appeal for mootness.