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DISTRICT II

February 11, 2026

To:

Hon. Michael S. Gibbs
Circuit Court Judge
Electronic Notice

Sara Henke
Register in Probate
Winnebago County Courthouse
Electronic Notice

Brian Patrick Mullins
Electronic Notice

Sara Elizabeth Stertz
Electronic Notice

A. E. B.

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

2025AP778-NM

Winnebago County v. A. E. B. (L.C. #2024ME10)

Before Neubauer, P.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).

In this WIS. STAT. ch. 51 case, A.E.B. appeals from orders committing him for mental health treatment and authorizing the involuntary administration of medication and treatment. A.E.B.'s appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). A.E.B. was provided with a copy of the report and informed of his right to file a response, which he has not done. After reviewing the record and

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

counsel's report, we conclude there are no issues with arguable merit for appeal. Therefore, we summarily affirm the orders. *See* WIS. STAT. RULE 809.21.

This court agrees with counsel that there would be no arguable merit to challenge the sufficiency of the evidence to support the commitment order. To obtain a commitment order, Winnebago County (the County) had the burden of proving by clear and convincing evidence that (1) A.E.B. is mentally ill, (2) he is a proper subject for treatment, and (3) he is dangerous to himself or others. *See* WIS. STAT. §§ 51.20(13)(e), 51.20(1)(a).

At the final hearing, three witnesses testified—two examining doctors and A.E.B. The County elicited testimony from a psychiatrist, Dr. Marshall Bales, who testified that A.E.B. suffers from a mental illness, specifically bipolar disorder with psychotic features, and that A.E.B. was a proper subject for treatment. Bales also opined that A.E.B. was dangerous, and there was a substantial probability of physical harm to himself and to others. He explained A.E.B. was previously suicidal, having been found with a belt around his neck and expressing a desire to die.

Both doctors testified regarding recent, specific incidents in which A.E.B. had presented a danger to himself and others. There was also testimony regarding his mental illness, medications, and behavior both when taking and not taking his medications. A.E.B. also testified on his own behalf. The circuit court found A.E.B. to be mentally ill, treatable, and

dangerous. The court found A.E.B. dangerous under the “a” and “b” standards. *See* WIS. STAT. §§ 51.20(1)(a)2.a.-b.² This no-merit appeal follows.

The circuit court concluded that there was clear and convincing evidence to satisfy each of the factors under WIS. STAT. § 51.20(1)(a). As for dangerousness in particular, as noted above, the court found the County established by clear and convincing evidence that A.E.B. was dangerous under the first and second standards. *See* WIS. STAT. §§ 51.20(1)(a)2.a.-b. As the no-merit report discusses, the record supports the circuit court’s conclusion. There would be no arguable merit to challenge the sufficiency of the evidence to support the commitment order.

The no-merit report also discusses whether there would be any arguable merit to challenging the sufficiency of the evidence to support the circuit court’s determination that A.E.B. is not competent to refuse psychotropic medication or treatment. Dr. Bales said A.E.B. became angry and referred to prescription medication as “witchcraft.” Bales disputed A.E.B.’s claim that Olanzapine made him suicidal because he was unaware of any evidence that the drug provokes suicidal tendencies, and further testified that A.E.B. “embellishes side effects, minimizes benefits, and even gets delusional about psychiatric medications.” Because A.E.B. was incapable of expressing an understanding of the advantages, disadvantages, and alternatives to treatment, Bales opined that A.E.B. was not competent to refuse medication or treatment.

² Counsel states in the no-merit report that there was not sufficient evidence to conclude that A.E.B. presents a danger to others, but there was ample evidence that he poses a danger to himself. We agree with appellate counsel that this court may affirm the circuit court on any ground, including grounds other than those relied on by the circuit court, and do not discuss this issue further.

The County had the burden of proving, by clear and convincing evidence, that A.E.B. was incompetent to refuse medication. *Outagamie County v. Melanie L.*, 2013 WI 67, ¶37, 349 Wis. 2d 148, 833 N.W.2d 607; *see also* WIS. STAT. § 51.20(13)(e). To meet that burden, the County was required to show that the advantages and disadvantages of and alternatives to accepting the particular medication or treatment had been explained to A.E.B. and that he was either (1) incapable of expressing an understanding of the advantages and disadvantages of, and the alternatives to, the medication, or (2) substantially incapable of applying an understanding of the advantages, disadvantages, and alternatives to his mental illness in order to make an informed choice. *See* WIS. STAT. § 51.61(1)(g)4. The circuit court made findings that all of these requirements had been met, and the record supports the court's findings. There is no arguable merit to this issue.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Brian Patrick Mullins of further representation of A.E.B. in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Brian Patrick Mullins is relieved from further representing A.E.B. in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals