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DISTRICT II

August 5, 2026

To:

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Circuit Court Judge
Electronic Notice

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

2026AP442

Racine County v. P.J.L. (L.C. #2022ME214)

Before Grogan, 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).

P.J.L. appeals from a WIS. STAT. ch. 51 (“ch. 51”) order extending his commitment following a February 2025 hearing wherein the circuit court found that he met the three criteria for commitment. See *Langlade County v. D.J.W.*, 2020 WI 41, ¶29, 391 Wis. 2d 231, 942 N.W.2d 277; WIS. STAT. § 51.20(1)(a)1-2, (13)(e), 13(g)3 (the individual is: (1) mentally ill, (2) a proper subject for treatment, and (3) dangerous). On appeal, P.J.L. challenges only the

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

third criterion—claiming that the County failed to show he was dangerous. Based upon our review of the briefs and Record, this court concludes this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. Because the evidence in the Record is more than sufficient to support the circuit court’s determination that P.J.L. is dangerous, this court summarily affirms.

P.J.L. has been the subject of ch. 51 commitment orders since 2023. He has the diagnosis of schizoaffective disorder. In December 2024, the County filed a Petition seeking to recommit P.J.L., indicating he “is dangerous because there is a substantial likelihood, based on the subject individual’s treatment record, that the subject individual would be a proper subject for commitment if treatment is withdrawn.” Dr. Marshall J. Bales, the psychiatrist appointed to evaluate P.J.L., concluded that P.J.L. met the criteria for commitment. Following a commitment hearing at which Dr. Bales, Fame Stolberg, and Jessie Hansen² testified, the circuit court concluded that P.J.L. was dangerous under the first four dangerousness standards in WIS. STAT. § 51.20(1)(a)2 or § 51.20(1)(a)2 in combination with § 51.20(1)(am).³ The circuit court entered an order recommitting P.J.L. for twelve months. P.J.L. appeals.⁴

This court’s review of a recommitment order “presents a mixed question of law and fact.” *Waukesha County v. J.W.J.*, 2017 WI 57, ¶15, 375 Wis. 2d 542, 895 N.W.2d 783. Appellate courts will “uphold a circuit court’s findings of fact unless they are clearly erroneous[,]” *id.*, and

² Stolberg and Hansen both served as case managers for P.J.L.

³ The circuit court also found P.J.L. to be mentally ill and a proper subject for treatment, but this court does not discuss those factors as P.J.L. challenges only the dangerousness finding on appeal.

⁴ The circuit court also entered an involuntary medication order, but P.J.L. does not challenge that order.

will “accept reasonable inferences from the facts available to [it].” *Winnebago County v. Christopher S.*, 2016 WI 1, ¶50, 366 Wis. 2d 1, 878 N.W.2d 109 (citation omitted). Whether facts satisfy the statutory standards, however, is a question of law this court reviews de novo. *Marathon County v. D.K.*, 2020 WI 8, ¶18, 390 Wis. 2d 50, 937 N.W.2d 901.

The sole issue presented on appeal is whether clear and convincing evidence in the Record supports the circuit court’s factual findings upon which it concluded P.J.L. is dangerous and thus warranting extension of his commitment. After hearing testimony from the evaluating physician and the case managers, the court found that P.J.L. was dangerous under multiple dangerousness standards. See *D.J.W.*, 391 Wis. 2d 231, ¶29; WIS. STAT. § 51.20(1)(a)1-2, (13)(e), 13(g)3 (requiring a finding that the individual is: (1) mentally ill, (2) a proper subject for treatment, and (3) dangerous). The court’s decision spans over 14 pages of transcript. This court has reviewed the Record and concludes the circuit court did not err.

Although the circuit court found evidence to find P.J.L. was dangerous under several of the dangerousness standards, this court does not need to evaluate each of those standards. If the Record supports that P.J.L. is dangerous under one of the statutory dangerousness standards, then the recommitment order stands because he only needs to be dangerous under one of the standards to affirm the order. See *Maryland Arms Ltd. P’ship v. Connell*, 2010 WI 64, ¶48, 326 Wis. 2d 300, 786 N.W.2d 15 (“[A]ppellate court[s] should decide cases on the narrowest possible grounds.”).

It is clear to this court that the testimony provided at the hearing demonstrated by clear and convincing evidence that P.J.L. is dangerous under the second statutory dangerousness standard—he is dangerous to others. WISCONSIN STAT. § 51.20(1)(a)2.b is the second

dangerousness standard requiring a showing that there is “a substantial probability of physical harm to other individuals[.]”⁵ Stolberg’s testimony about fearing for her safety when P.J.L. lunged toward her, pushed a table into her, and threatened to “annihilate” her—*while already under treatment in a confined setting* is sufficient to uphold the circuit court’s dangerousness determination under the second standard. The circuit court found this to be an “overt threat to the case manager, while in a confined setting no less[.]” This court agrees.

P.J.L.’s claim that this incident was not dangerous conduct because he was handcuffed at the time and because there was a table between him and the case manager is borderline absurd. Frankly, the fact that P.J.L. made the threat and attempted to physically assault the case manager *while handcuffed* in a confined setting shows he is very dangerous.

Further, Dr. Bales’ testimony supports the circuit court’s finding that P.J.L. was dangerous under the second standard. The doctor testified that “[w]hen psychotic, [P.J.L.] gets assaultive and threatening” and has a history of “being in seclusion and spitting at people and being aggressive.” The court found Dr. Bales’ testimony to be credible and relied on it in finding P.J.L. was a danger to others.

⁵ WISCONSIN STAT. § 51.20(1)(a)2.b says an individual is dangerous if he:

Evidences a substantial probability of physical harm to other individuals as manifested by evidence of recent homicidal or other violent behavior, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them, as evidenced by a recent overt act, attempt or threat to do serious physical harm.

Based on the foregoing, the circuit court did not err in finding the County proved P.J.L. was dangerous to the requisite standard, and this court affirms the commitment order.⁶

Therefore,

IT IS ORDERED that the order of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

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

Samuel A. Christensen
Clerk of Court of Appeals

⁶ This court continues to believe that ch. 51 commitment orders are moot when the order the subject appeals from has already expired and the subject has been recommitted under a subsequent order. The Record shows such is the case here. The order being appealed expired in February 2026, and P.J.L. was recommitted in February 2026 for another twelve months. Nevertheless, the Wisconsin Supreme Court says these orders are never moot, and this court is bound by that decision.

