

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 23, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

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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 No. 2026AP1230

Cir. Ct. No. 2025ME147

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

IN THE MATTER OF THE MENTAL COMMITMENT OF P.B.T.:

WASHINGTON COUNTY,

PETITIONER-RESPONDENT,

V.

P.B.T.,

RESPONDENT-APPELLANT.

APPEAL from orders of the circuit court for Washington County:
GORDON R. LEECH, Judge. *Affirmed.*

¶1 GUNDRUM, J.¹ P.B.T., hereinafter referred to by the pseudonym Peter, appeals from circuit court orders involuntarily committing him for six

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.

months under WIS. STAT. ch. 51 and allowing for the involuntary administration of medication and treatment during that time.² He contends Washington County failed to present sufficient evidence to prove he was dangerous under WIS. STAT. § 51.20(1)(a)2. We disagree and affirm.

BACKGROUND

¶2 On September 26, 2025, Peter was emergently detained pursuant to WIS. STAT. § 51.15. The circuit court held a probable cause hearing on October 1st and a final hearing on October 10th. The following relevant evidence was presented at the final hearing.

¶3 A bank employee testified that when Peter arrived for his 1:00 p.m. appointment on September 26th, the lot was empty except for the employee's car and other bankers' cars. When Peter drove into the lot, "it looked like he was about to park, and his car just kept going," and it went over a raised sidewalk "and then hit the building structure pole, plus the windows." Peter then backed up and onto a curb behind the vehicle, "and then it looked like he was trying to drive out, and when he was driving out he didn't exit the way that he came in, he exited where there was no exit," and then the front two wheels of his car got stuck on another curb.

¶4 When a police officer who had responded to the scene asked Peter if he had struck the bank building with his vehicle, Peter responded that he did not, but he also "said that domestic terrorists had attempted to mess with the brakes on

² Because Peter does not raise any argument specific to his involuntary medication and treatment order, we do not address it.

his vehicle, which is ultimately why he ended up crashing.” As a “crisis intervention trained officer,” the officer “believed [Peter] was having some sort of a mental health crisis, as ... he appeared to be paranoid when I was speaking with him.” She believed him to be paranoid because “he was speaking about road rascals and domestic terrorists and how they were out to get him.”

¶5 A co-worker of the officer called for a “crisis worker” to come to the scene to assess Peter. The officer observed that during the assessment, Peter “was very angry” “most of the time.” The officer “could tell that he was agitated and heightened with his emotions.... At certain times when we were addressing him or when the crisis worker was addressing him and speaking with him about what he was experiencing, he would get very agitated and would start yelling.” The officer advised Peter “that his driving behavior was unsafe due to the fact that he didn’t seem to have any regard for other people that potentially could have been in the parking lot at the time of the accident.” When asked why she concluded he had no regard for safe driving, the officer stated, “[B]ecause he believed that someone had tampered with his brakes, when it was my opinion that his brakes were working properly.” The officer stated that she and the crisis worker “did not believe that there was a viable safety plan [for Peter]” because “[w]e believed [he] would be a danger to himself or others.” She believed this because of “the behavior that he was displaying and the way that he was driving at the time of the accident.” She agreed she was “concern[ed] that if he was not detained he would continue to drive” and “crash into innocent people on the road.” She believed this “[b]ecause he continued to state that he believed that someone had tampered with his brakes, and he clearly displayed unsafe driving behavior prior to that.”

¶6 On cross-examination, the officer acknowledged she did not check Peter’s vehicle for any mechanical malfunction; she just “did not believe him” that

his brakes were not working. She agreed that “he was agitated and concerned because he was afraid that someone had tampered with his brakes.” When asked if anyone from her department had investigated Peter’s vehicle since that date, she stated, “No.” She agreed Peter tried to explain why the “domestic terrorists” were “after him” and that she believed that his story regarding this was “a symptom of a mental illness.” The officer explained that they detained Peter because of the “belie[f] he was a danger to himself or others as a result of” his manner of driving and “his behaviors and talking about domestic terrorists, paranoia.”

¶7 On redirect examination, the officer stated she was concerned Peter’s judgment was impaired “[b]ecause he was in a paranoid state, and the things that he was describing were not as they seemed to be in reality” She agreed that whether his brakes were actually working, she would have placed him under emergency detention due to his impaired judgment.

¶8 Psychiatrist Dr. Marshall Bales testified that he examined Peter via Zoom on October 4, 2025. When Bales discussed with Peter the incidents that led to his detention, Peter “[b]asically ... called all of this retaliation. He made various delusional comments. He was hyperv verbal. He did not always make sense, frankly.” While Peter acknowledged that his vehicle hit the bank, “[h]e basically said it was a set-up somehow, and he was hyperv verbal, he had paranoid ideas and called it a set-up. He said various delusional things. He went off on tangents and overall just clearly could not even reliably discuss this incident.”

¶9 Based on his examination, as well as the police report, “inpatient records from the Waukesha Mental Health Center,” the statement of detention, and the “crisis report ME,” Bales opined that Peter suffers from a substantial disorder of thought, mood and perception, specifically diagnosing him with the mental

illness of “unspecified psychotic disorder. This likely is paranoid schizophrenia, but I did not want to conclude that with the information I had yet. The main thing with my diagnosis here is that there’s very substantial [sic] and there are impairments of thought, mood, and perception.” Bales agreed Peter’s condition “grossly impair[s] his judgment, behavior, capacity to recognize reality or [the] ability to meet the ordinary demands of life.” Peter “has very severe lack of insight,” Bales testified. “He spent a lot of the interview calling the matter retaliation.” Bales said Peter has “[v]ery severe impaired judgment, and that is what led to this police intervention that occurred.” When asked whether Peter’s impaired judgment “poses a substantial probability of physical injury to himself or others,” Bales responded, “[I]n my opinion, his driving was dangerous to potentially himself or others.” He opined that Peter’s erratic driving leading to his detention was due to impaired judgment.

¶10 Bales indicated that Peter “needs an antipsychotic,” which would “help him with his paranoia, ... help him think more clearly, [and] stabilize his mood.” When Bales attempted to discuss medications with Peter, Peter “said that the medications were retaliation.”³ “[T]he really fundamental problem is that he denied having a mental illness, so that impeded him being able to see a need for the medication.” He opined that Peter is incapable of expressing and applying an understanding of medication and treatment because of “[t]he mental illness itself and his paranoia.”

³ In his “Report of Examination” admitted into evidence, Bales indicates that Peter said psychiatric medications “were some kind of a governmental retaliation.”

¶11 On cross-examination, Bales reiterated that Peter made “unreliable statements” and “was delusional.” During his examination, Bales personally observed Peter “to be definitely delusional, paranoid and not reality based,” which was also supported by the records Bales reviewed. Bales stated that in his direct observation of Peter, he concluded that Peter was “a very mentally ill person.” Peter discussed retaliation “throughout the interview on any topic we discussed, whether medication, whether these brakes. He thinks everybody’s against him.” Bales also referenced his awareness that Peter has “been filing lawsuits against many people in the Indian community” in Washington County.

¶12 Upon questioning from the circuit court, Bales informed the court that Peter is “definitely treatable for this condition, ... very treatable, but he will not get that care voluntarily and said so.”⁴

⁴ The circuit court admitted into evidence Bales’ “Report of Examination,” stating that it was “not taking ... hearsay [in the report] as asserted for the truth of the matter but rather as a basis for [Bales’] understandings and in forming his opinions.” Informing Bales’ understanding and opinions, the report states that:

The Waukesha County Mental Health Center doctor noted distinct delusional thinking. [Peter] was claiming a conspiracy. He said billions had been paid to the Wisconsin government to keep him from his business. He kept blaming someone for tampering with his brakes, which was not substantiated. He denied mental illness. He was claiming the government poisoned his food. He denied treatment goals. He has been refusing psychotropic medications. He has been refusing to attend groups. He has refused food and water at times, believing it is tampered with. He is noted to have a gross lack of insight, as police, crisis staff, and others have noted.

....

His behaviors appear to be part of a significant pattern, with multiple police calls having been made repeatedly throughout 2025.

¶13 Peter also testified. He stated that on the date he struck the bank, his vehicle's brakes were not functioning, "so I called 911 at that moment even before I started" toward the bank. He stated he still had "some confidence," though, that his car was still drivable. But before he reached the bank, the brakes "went totally faulty," so he called 911 again before he even reached the bank.

¶14 Peter testified that his car was

being held in a supervisory mode, ... basically ... somebody can still control my car, because when I drive my car, my trunk goes up, my trunk lifts, my door sometimes goes kind of like into an unlocked situation.

So there are people who are playing with me while I'm driving the car, and that is what I call domestic terrorism because those people are trying to inflict some kind of—a kind of electric, shock to the people who are driving, and in that panic mode somebody can actually do anything harm, too, as they're driving it at parking lot speed or 30 mile speed.

¶15 When asked who he was referring to when he referenced "those people," Peter mentioned that his tire had been slashed months earlier. He then stated, "And then they started using my own condominium, which they already had borrowed and had a board member to start poisoning my food, and they created some kind of rashes and eczema and arthritis on my body because of the poisoning." When again asked who he was referring to when he referenced "they," Peter responded, "My ex-employees, who was working at my company because I put an F.B.I. request on their company, how they're running the company and how they run data breaches. They started retaliation on me" When the circuit court sought clarification, Peter continued, "I had put a F.B.I. request on these people while I was employed in their company and resigned from it, and they started retaliation on me because I have put an F.B.I. request on their company. The key people are conspirators in world art." He then rattled off what

appeared to be the names of several people and stated that “[t]hey are part of the management, and they’re part of the promoters of the company, and they are the conspirators.” After detailing more about his request for the F.B.I. to investigate, Peter stated that the “slashing of the tire, the second thing is the poisoning of the food and the third thing is this incident,” which he stated were all part of their retaliation against him.

¶16 Peter said he is currently detained at the mental health center and is now taking medication. He claimed he was willing to continue taking the medication if his doctor recommended it.

¶17 Based on all of the testimony, including Peter’s, the circuit court found that Peter has a mental illness, is a proper subject for treatment, and is dangerous under the WIS. STAT. § 51.20(1)(a)2.c. standard. The court found the standard met

because the evidence shows a series of behaviors that demonstrate a substantial probability of—that as a result of impaired judgment [Peter] may harm himself or others, and I believe that’s supported by looking at the treatment history, evidence of recent conduct, as well as historical patterns or behaviors that were described by [Peter] himself.

The court noted that from Peter’s own testimony, the court

believe[s] that he continues to believe he’s being subjected to control and the acts of other people attempting to harm him through poisoning him, through interfering with his vehicle, not only with making his brakes faulty, but I believe he testified that they can also control things like causing the trunk of the car to open while driving.

So I believe that his testimony itself does show impaired judgment and that it’s a pattern of recent acts or omissions that supports the finding of substantial probability of physical impairment or injury to himself or to other individuals.

I don't believe this is a case where [Peter] intends to harm anybody or intends to harm himself, but I believe that at this time that his judgment is impaired sufficiently that there would be a substantial probability of other incidents that may cause physical impairment or injury to himself or to others.

¶18 The circuit court entered orders finding the County established by clear and convincing evidence grounds for commitment under the third standard of dangerousness and entered orders granting the six-month involuntary commitment and allowing the involuntary administration of medication during that time. Peter appeals.

DISCUSSION

¶19 Before a person can be involuntarily committed for treatment under WIS. STAT. § 51.20(1), the County must prove by clear and convincing evidence that the individual is mentally ill, a proper subject for treatment, and dangerous to himself or others. See *Langlade County v. D.J.W.*, 2020 WI 41, ¶29, 391 Wis. 2d 231, 942 N.W.2d 277; § 51.20(1)(a)1.-2., (13)(e). Here, Peter challenges only the circuit court's determination that the County proved he was dangerous, so that is where we will focus.

¶20 Whether the County met its burden of proof to support Peter's commitment presents a mixed question of law and fact. See *Waukesha County v. J.W.J.*, 2017 WI 57, ¶15, 375 Wis. 2d 542, 895 N.W.2d 783. "[W]e will uphold a circuit court's findings of fact unless they are clearly erroneous," *D.J.W.*, 391 Wis. 2d 231, ¶24, and "we accept reasonable inferences from the facts," *Winnebago County v. Christopher S.*, 2016 WI 1, ¶50, 366 Wis. 2d 1, 878 N.W.2d 109 (citation omitted). Whether the facts satisfy the statutory standard, however, is a question of law we review independently. *D.J.W.*, 391 Wis. 2d 231,

¶25; *Outagamie County v. Melanie L.*, 2013 WI 67, ¶39, 349 Wis. 2d 148, 833 N.W.2d 607. As the party challenging the circuit court’s orders, Peter bears the burden of showing that the court erred. See *Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381.

¶21 WISCONSIN STAT. § 51.20(1)(a)2. “‘contains five different definitions or standards of dangerousness for purposes’ of an initial commitment.” *Waupaca County v. K.E.K.*, 2021 WI 9, ¶18, 395 Wis. 2d 460, 954 N.W.2d 366 (quoting *State v. Dennis H.*, 2002 WI 104, ¶14, 255 Wis. 2d 359, 647 N.W.2d 851). The County must prove the individual is dangerous under at least one of those five standards. See *Sauk County v. S.A.M.*, 2022 WI 46, ¶4, 402 Wis. 2d 379, 975 N.W.2d 162 (“Upon sufficient evidence of both a treatable mental illness and at least one of these forms of dangerousness, the circuit court must order the person initially committed for no more than six months.”).

¶22 Here, the circuit court concluded the County proved Peter was dangerous under WIS. STAT. § 51.20(1)(a)2.c., the third standard. An individual is dangerous under the third standard if he or she “[e]vidences such impaired judgment, manifested by evidence of a pattern of recent acts or omissions, that there is a substantial probability of physical impairment or injury to himself or herself or other individuals.” *Id.* Breaking down the statute a bit, to satisfy the third standard, the County must show that the individual has “such impaired judgment ... that there is a substantial probability of physical impairment or injury to [the individual] himself or herself or other individuals.” *Id.* The *impaired judgment* must be manifested (demonstrated) by “evidence of a pattern of recent acts or omissions.” *Id.*

¶23 What constitutes “acts or omissions” can prove a determinative question in WIS. STAT. ch. 51 cases such as this one. Does each act or omission have to be an overtly physical act, such as driving into a building and over curbs, as Peter undisputedly did on September 26, 2025? Or, can verbal statements alone suffice as “acts” demonstrating the requisite impaired judgment? Peter insists there is only a single relevant act here—his conduct at the bank—and not a “pattern of recent acts or omissions,” as required by the third standard. He asserts the circuit court “improperly treated [his paranoia] as an ‘act’ or ‘omission.’” Peter is incorrect.

¶24 In *Outagamie County v. Michael H.*, 2014 WI 127, ¶40, 359 Wis. 2d 272, 856 N.W.2d 603, our supreme court concluded that verbal statements can demonstrate sufficiently “impaired judgment ... that there is a substantial probability of physical impairment or injury to himself or herself or other individuals,” see WIS. STAT. § 51.20(1)(a)2.c. In that case, the court considered whether the evidence presented at trial was sufficient for the jury to find the county had met its burden of proof under the third standard. *Michael H.*, 359 Wis. 2d 272, ¶39. The court concluded that the “finding of dangerousness [was] demonstrated under [subdivision c.] because the pattern of his paranoia and increasing distress is relevant to [the demonstration of] dangerousness” under that subdivision. *Id.* The court considered the following evidence “about Michael’s behavior”:

- He had *made repeated statements* to his mother and sister that “nobody’s safe.”
- He had acknowledged that he was suicidal to a nurse and *made ambiguous statements* about being suicidal to his mother.
- He had *acknowledged* to a police officer that he wanted to harm himself.

- He had delusional behavior and behaved in a paranoid manner, *stating* to his mother that she and his father should not sleep at home because *unnamed persons were after him and would also be after them*.
- He owned a knife that he had received that week as a belated Christmas gift and usually carried it with him.
- He had access to guns.
- He had walked with a young child through the snow for two miles based on his fear that one of his sisters was in danger.
- He had purchased several cell phones and explained that he did so to avoid being tracked by unnamed persons; he had thrown one phone out the car window believing it to be bugged.
- He had been unable to sleep.
- He had *repeatedly told* his mother that his head was not right and that he could not think straight and was lonely and sad.
- He had refused medication, and according to a doctor who examined him, he “could [be dangerous] without treatment.”

Id. (alteration in original; emphases added).

¶25 While the ***Michael H.*** court did note that its “conclusion [was] dictated by the deferential review of jury verdicts,” ***id.***, ¶44, it still ultimately determined as a matter of law that verbal statements by a subject can constitute part of the “pattern of recent acts” required for a determination of dangerousness under subdivision c., ***id.***, ¶40. Considering the above itemized evidence, the ***Michael H.*** court stated:

Michael argues that the only pattern of recent acts was the repeated trips to the hospital to seek help. But *as* the facts recited above make clear, other inferences could also be drawn about patterns of *recent acts* that week. The jury was not obligated to see only the pattern Michael describes. Jurors might reasonably have seen a pattern of *delusional*

paranoia, a pattern of telling family members that people were out to get him, a pattern of refusing medication and rejecting medical treatment, a pattern of telling people that something was wrong with his head, and so on. Based on the testimony they heard about the week’s events, there was credible evidence from which jurors could conclude that Michael’s symptoms were worsening and he was becoming distressed to the point that there was a substantial probability of injury to himself—the testimony of Michael’s mother, for instance, made clear that the statement he made to the nurse was the first time he had ever spoken of suicide.

Id. (emphases added).

¶26 **Michael H.** stands for the proposition that evidence of a subject’s verbal communications can be sufficient to “manifest[] ... a pattern of recent acts” “[e]videncing such impaired judgment ... that there is a substantial probability of physical impairment or injury to himself or herself or other individuals.” *Id.*, ¶40; see WIS. STAT. § 51.20(1)(a)2.c. After all, moving one’s lips in a specific manner to communicate a particular thought certainly is an “act,” if that is the standard Peter is attempting to require in his briefing. From this view, it cannot be said that the **Michael H.** court was completely off-base in treating a pattern of concerning verbal statements as constituting a “pattern of ... acts,” especially in the context of demonstrating “impaired judgment.”

¶27 In the case now before us, the circuit court’s determination tracked with **Michael H.**, as it noted:

[F]rom [Peter’s] testimony I believe that he continues to believe he’s being subjected to control and the acts of other people attempting to harm him through poisoning him, through interfering with his vehicle, not only with making his brakes faulty, but I believe he testified that they can also control things like causing the trunk of the car to open while driving.

So I believe that his testimony itself does show impaired judgment and that it’s a pattern of recent acts or omissions

that supports the finding of substantial probability of physical impairment or injury to himself or to other individuals.

In light of *Michael H.*, we cannot conclude that the circuit court erred in determining that the subdivision c. standard was met here.

¶28 Peter’s acts of September 26, 2025—driving into a building instead of stopping in a parking space, going over multiple curbs, and comments to the officer—began the “pattern of recent acts” “[e]videnc[ing] such impaired judgment ... that there is a substantial probability of physical impairment or injury to himself ... or other individuals.” WIS. STAT. § 51.20(1)(a)2.c. His October 4th interview with Bales further demonstrated his impaired judgment to the extent of that substantial probability. Finally, as the circuit court found, Peter’s verbalizations during his own testimony at the final hearing concluded the 15-day-long “pattern of recent acts.”

¶29 For the foregoing reasons, we conclude the circuit court did not err in determining the County presented sufficient evidence to prove Peter dangerous under WIS. STAT. § 51.20(1)(a)2.c.

By the Court.—Orders affirmed.

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

