

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 7, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

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. 2026AP336
STATE OF WISCONSIN**

Cir. Ct. No. 2025ME6

**IN COURT OF APPEALS
DISTRICT II**

IN THE MATTER OF THE MENTAL COMMITMENT OF R.M.P.:

KENOSHA COUNTY,

PETITIONER-RESPONDENT,

V.

R.M.P.,

RESPONDENT-APPELLANT.

APPEAL from orders of the circuit court for Kenosha County:
DAVID P. WILK, Judge. *Affirmed.*

¶1 GUNDRUM, J.¹ R.M.P., hereinafter referred to by the pseudonym Ronald, appeals from a circuit court order involuntarily committing him, pursuant

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.

to WIS. STAT. § 51.20, for six months.² He contends the court lost competency by holding the final hearing outside the statutory deadline and erred in denying his request to represent himself at that hearing. He also asserts Kenosha County (County) failed to present sufficient evidence to prove he was dangerous under § 51.20(1)(a)2.³ For the following reasons, we affirm.

BACKGROUND

¶2 On January 18, 2025, Ronald was emergently detained under WIS. STAT. § 51.20 after he “ha[d] become increasingly paranoid about individuals breaking into his home.” The circuit court held a probable cause hearing, found probable cause to believe that Ronald was “mentally ill,” “a proper subject for treatment,” and “dangerous to self or others” and scheduled a final hearing for January 29, 2025.

¶3 Both Ronald and his counsel participated in that hearing, but early in the hearing, Ronald expressed that he wished to represent himself. The circuit court conducted a colloquy, and in response to the court’s questioning, Ronald stated he had graduated from the University of Wisconsin-Parkside and had spent

² Ronald also appeals a related circuit court order allowing for the involuntary administration of medication and treatment during the time of his commitment. Because he does not raise any argument specific to the involuntary medication and treatment order, however, we affirm without addressing it.

³ The County asserts that this appeal is moot because Ronald has already been discharged from his six-month involuntary commitment. Our supreme court has recently reaffirmed that because WIS. STAT. § 46.10(2) “imposes mandatory liability on individuals committed under [WIS. STAT. § 51.20 ‘for the cost of the care, maintenance, services and supplies’]” received as part of their commitment and because vacating the commitment order “would have the practical effect of removing th[e] threat” of collection actions, appeals of commitment orders are not moot. *Waukesha County v. R.D.T.*, 2026 WI 24, ¶¶14, 16, 421 Wis. 2d 133, 36 N.W.3d 944. Thus, this appeal is not moot.

some time in law school. He also indicated he had no experience with the law related to mental commitments and referenced the WIS. STAT. ch. 51 hearing as a “sentencing” before the court corrected him that “this isn’t a criminal matter, so there is no sentencing,” explaining that “the [c]ourt has to determine whether or not you are subject to a commitment.”

¶4 The circuit court informed Ronald he would be “held to the same standards ... whether ... you have educated yourself or have not educated yourself,” to which Ronald responded:

What is our goal for today.... [I]t’s not a problem to represent myself, I just need time to catch up, you know? I just found out yesterday that I could do this—I mean I just was able to do it yesterday. There is a whole lot of things preventing me from getting this done.

The exchange between Ronald and the court continued:

Court: The purpose for today is for the [c]ourt to determine whether or not grounds for commitment have been established.

Do you understand that, sir?

Ronald: Yeah.

So what if I disagree to the [WIS. STAT. §] 51.15, can I appeal?

Court: This is a [WIS. STAT. §] 51.20 matter, sir.

¶5 Ronald then requested an adjournment of the final hearing, and Ronald’s counsel indicated that if the circuit court denied Ronald’s request to proceed pro se, counsel would also seek an adjournment. The court granted the adjournment request(s), setting a new date and time, and the hearing proceeded on whether the court would permit Ronald to proceed pro se.

¶6 The circuit court afforded Ronald and counsel an opportunity to confer privately regarding Ronald's request to proceed pro se. Once back on the record, the court denied Ronald's request to so proceed, explaining:

The [c]ourt notes that [Ronald] has legal training, is a college graduate, has not been previously adjudicated incompetent. But the [c]ourt also notes that both off the record and on the record, [Ronald] has professed a profound lack of understanding of the procedures, a lack of understanding of the manner in which to call witnesses, a lack of understanding as to the standards that the court is to apply.

¶7 The circuit court continued:

The [c]ourt also notes that a request to adjourn the matter was made. This matter was calendared for 11:15. It is now 11:48. There has been some indication off the record that the parties are seeking to withdraw that request. The [c]ourt believes that the parties may not request an adjournment.

Ronald interrupted, stating, "I understand how all this works. It's more complicated than that. Can I testify?" The court proceeded:

The [c]ourt believes that there is a frustration of purpose if there is a request for an adjournment that is then withdrawn, but has done so at such a late time as to make the continuation of the hearing impossible. And so the [c]ourt does deny [Ronald's] request ... to proceed pro se. Does grant the request for an adjournment and will set the matter on for February 5 at 10[:00] a.m.

Ronald stated, "I need to meet with my Attorney," and when the court asked counsel if there was "[a]nything else," counsel responded, "No. That time works for me."

¶8 The circuit court held the final hearing on February 5, 2025, at which Dr. Marshall Bales, Officer Lehman, Ronald's father, and Ronald testified. The court entered orders concluding that the County established by clear and

convincing evidence grounds for commitment under the third and fourth standards of dangerousness, granting the six-month involuntary commitment, and allowing the involuntary administration of medication during that time.

¶9 Ronald filed a WIS. STAT. RULE 809.30 postdisposition motion, asserting the circuit court lost competency when it failed to conduct the final hearing within 14 days of his detention and violated his right to self-representation. The court also requested briefing on whether the matter was moot.

¶10 At a hearing on the motion, the circuit court determined that the matter was not moot and denied Ronald's postdisposition motion. The court concluded that, because of Ronald's "self-acknowledged informational deficits," Ronald's request to decline representation by counsel and proceed pro se was not made knowingly. It also reconfirmed that at the January 29, 2025 hearing, both Ronald and his counsel requested an adjournment of the final hearing, as permitted by WIS. STAT. § 51.20(10)(e). Referencing our decision in ***County of Milwaukee v. Edward S.***, 2001 WI App 169, 247 Wis. 2d 87, 633 N.W.2d 241, the circuit court concluded that Ronald's apparent attempt later in the hearing to withdraw his adjournment request was ineffectual as it amounted to "manipulations [that] made the final hearing impossible," noting that Ronald's requests "left the [c]ourt with insufficient time to conduct the hearing," as they "us[ed] 33 minutes of the allocated 45 minutes," "frustrat[ing]" "the [c]ourt's purpose in complying with [§] 51.20(7)(c)."

¶11 Ronald appeals. Additional facts will be set forth as needed.

DISCUSSION

Self-representation

¶12 As in a criminal matter, in a WIS. STAT. ch. 51 proceeding, a subject has both the constitutional right to be represented by counsel and also the right to waive his/her right to counsel and instead represent him/herself pro se. See **S.Y. v. Eau Claire County**, 162 Wis. 2d 320, 330, 332, 469 N.W.2d 836 (1991). These two rights often conflict and “create somewhat of a dilemma for the [circuit] judge,” because “[w]hichever way the ... judge decides, his [or her] decision is subject to challenge.” **Pickens v. State**, 96 Wis. 2d 549, 556, 292 N.W.2d 601 (1980), *overruled on other grounds by State v. Klessig*, 211 Wis. 2d 194, 206, 564 N.W.2d 716 (1997).⁴

¶13 The right to representation by counsel, however, is “[s]o important ... that nonwaiver is presumed and waiver must be affirmatively shown to be knowing and voluntary in order for it to be valid.” **Pickens**, 96 Wis. 2d at 555. As the **Pickens** court stated, “unless the record adequately supports ... a finding” that a subject’s “waiver of his right to counsel is made knowingly and voluntarily,” “any resulting [order for involuntary commitment] is subject to reversal.” **Id.** at 556. The determination as to whether there is a knowing and voluntary waiver of the right to counsel “must depend, in each case, upon the particular facts and circumstances surrounding that case, including the background, experience and conduct” of the subject. **Id.** at 561 (citation omitted). The court held that

⁴ In **S.Y. v. Eau Claire County**, 162 Wis. 2d 320, 323, 334-35, 469 N.W.2d 836 (1991), a WIS. STAT. ch. 51 case like the case now before us, our supreme court recognized “that the standards of **Pickens v. State**, 96 Wis. 2d 549[, 292 N.W.2d 601 (1980), *overruled on other grounds by State v. Klessig*, 211 Wis. 2d 194, 206, 564 N.W.2d 716 (1997)], are appropriate for allowing a waiver of counsel under ch. 51, if waiver is permitted.”

for [a subject's] waiver of his right to counsel to be valid, the record must reflect not only his deliberate choice to proceed without counsel, but also his awareness of the difficulties and disadvantages of self-representation, the seriousness of the charge or charges he is facing and the general range of possible penalties that may be imposed if he is found guilty. Unless the record reveals the [subject's] deliberate choice and his awareness of these facts, a knowing and voluntary waiver will not be found.

Id. at 563-64.

¶14 Ronald contends the circuit court erred in denying his request to waive his right to counsel and proceed pro se, which is a matter we review as follows.

Whether a [subject] was denied his or her constitutional right to self-representation presents a question of constitutional fact, which this court determines independently. In order to determine whether a defendant knowingly, intelligently, and voluntarily waived the right to counsel, we apply constitutional principles to the facts of the case. We review those facts independent of the circuit court. However, a circuit court's determination that a defendant is incompetent to proceed pro se "will be upheld unless totally unsupported by the facts."

State v. Imani, 2010 WI 66, ¶19, 326 Wis. 2d 179, 786 N.W.2d 40 (citations omitted).

¶15 At the start of the scheduled final hearing on January 29, 2025, the circuit court informed Ronald that his counsel was present in court. Ronald appeared by video conference from Winnebago Mental Health Institute. When the court answered Ronald's question affirmatively that his counsel was a public defender, Ronald indicated, "I did not want a [p]ublic [d]efender. I would like to represent myself."

¶16 The circuit court engaged in a colloquy with Ronald related to his request to proceed pro se. Ronald indicated he graduated with a bachelor's degree from the University of Wisconsin-Parkside and thereafter took some law school classes, but also acknowledged he had no experience with the law related to mental commitments. Ronald confirmed he understood that if represented by counsel, counsel may view the case differently than he would, based on counsel's education, training and experience, and that if he were permitted to represent himself, he would be held to the same standards as a lawyer.

¶17 Ronald told the circuit court that “the [p]ublic [d]efender that I spoke to over the phone, he mentioned that the sentencing would be similar whether I represented myself or he represented me,” prompting the court to respond, “Well, this isn't a criminal matter, so there is no sentencing.” The court further explained that this was a WIS. STAT. § 51.20 proceeding to determine if Ronald should be committed. Ronald indicated he understood, “ha[d] read up on [WIS. STAT. §] 51.15 statute” but “ha[d] not read into [§] 51.20,” and then informed the court he had some ability to “look up the laws” from a Westlaw tablet. After the court reminded Ronald that he would be held to the same standards as an attorney “whether or not you have educated yourself or have not educated yourself,” Ronald responded,

What is our goal for today.... [I]t's not a problem to represent myself, I just need time to catch up, you know? I just found out yesterday that I could do this—I mean I just was able to do it yesterday. There is a whole lot of things preventing me from getting this done.

The court again explained that “[t]he purpose for today is for the [c]ourt to determine whether or not grounds for commitment have been established. Do you understand that, sir?” Ronald responded, “Yeah. So what if I disagree to the

[§] 51.15, can I appeal?” The court again informed Ronald that it was a “[§] 51.20 matter,” and encouraged Ronald “to explore your legal rights.” Ronald asked for “a day or two to look over everything and make sure I am caught up,” and further stated,

And I can give you guys a statement of kind of what I am and what I believe in and what my plan is. And then see if we even need to do this because I want to get treatment. I am a little confused on why I am here. I think there’s been a lot of miscommunications. I did have an outburst at home, I won’t lie. I mean everything people say is probably true, but I have a set of facts that have been left out of that initial paper—

¶18 The circuit court read to Ronald the law of WIS. STAT. § 51.20(10)(e), which allows for postponement of the final hearing for up to seven days. The County indicated it was “prepared to proceed today. I have all my witnesses and would prefer to proceed today.” Ronald responded, “I have all my witnesses. I’m just not sure—I just want to make sure I know what’s going on today. Like I have never practiced law yet.... What would be the outcome, like the worst case-scenario”

¶19 After counsel also indicated he would be asking for an adjournment if Ronald’s request to proceed pro se was denied, there was off-the-record discussion “for scheduling purposes.” (Formatting altered.) Thereafter, Ronald stated, “And this is going to complicate matters because I would like to switch the [institution] to a hospital or ...,” at which point counsel advised Ronald to stop making statements.

¶20 After choosing a new date, time and branch for the final hearing to be adjourned to, the circuit court stated:

The [c]ourt has heard the request of [Ronald] to appear pro se. The [c]ourt has also heard that the subject has

indicated that he wants treatment but that he doesn't like the treatment where he is at and thinks that he should perhaps have treatment elsewhere.

So the court finds that those are potentially conflicting positions that the subject may not understand that if the [c]ourt finds that there is a grounds for a commitment, then treatment is provided. If the [c]ourt finds that there is not grounds for commitment, then treatment is not provided.

So sometimes a party will fight one aspect of a claim, not realizing that there are adverse consequences of that [position].

Ronald explained some medical concerns he was currently experiencing while at Winnebago and stated,

So there may be legal consequences, I am willing to risk that at this point.

....

And that's only one of the weird things that have happened here. I have been forced to take medications that I don't want. I need to go to a place that will listen to me and has doctors available. I haven't been able to talk to my doctor.

¶21 The circuit court thereafter afforded Ronald and counsel an opportunity to speak privately so they could "have a brief discussion to ensure that you understand what it is that you are requesting It may be that that which you request is accomplishable through [counsel], but it's important that you have that opportunity to discuss it with him." Ronald responded, "I agree." The court added, "Because one of the things that you're asking for, the certain relief that you are requesting, you may be choosing a path that makes that more difficult rather than easier. And so I want to make sure that you have that opportunity." Ronald responded, "Yeah. I'm just very unfamiliar with what's going on. I don't understand." The court stated, "I understand. And I want to make sure that you have that opportunity," to which Ronald responded, "I appreciate that."

¶22 After Ronald had an opportunity to consult with counsel, the circuit court went back on the record and stated:

Counsel and the subject have had the opportunity to confer. The [c]ourt notes that [Ronald] has legal training, is a college graduate, has not been previously adjudicated incompetent. But the [c]ourt also notes that both off the record and on the record, [Ronald] has professed a profound lack of understanding of the procedures, a lack of understanding of the manner in which to call witnesses, a lack of understanding as to the standards that the [c]ourt is to apply. And so the [c]ourt does deny his request to proceed pro se.

¶23 We conclude the circuit court did not err in denying Ronald's request to proceed pro se. During his colloquy regarding whether he should proceed pro se, Ronald told the court, "Yeah. I am just very unfamiliar with what's going on. I don't understand." Furthermore, as the County points out in its brief,

[a]fter having mistaken his hearing as a criminal matter with a sentencing and the circuit court explaining it was in fact a [Wis. STAT.] chapter 51.20 hearing where the "court has to determine whether or not you are subject to a commitment," Ronald was still confused and asked, "[W]hat is our goal for today."

In the end, the court denied Ronald's request to proceed pro se based on the totality of the record before it.

¶24 "[T]he record [did not] adequately support[] ... a finding" that Ronald knowingly and voluntarily waived his right to counsel. See *Pickens*, 96 Wis. 2d at 556. To begin, Ronald may have mistakenly believed he was facing criminal proceedings, involving a "sentencing." He expressed his lack of understanding of "our goal for today" and indicated he was "[not] sure I know what's going on today.... What would be the outcome, like the worst-case

scenario.” The circuit court recognized that Ronald indicated he wanted to receive treatment, but it was not clear if he understood that if he was committed under WIS. STAT. ch. 51 “then treatment is provided.” When the court provided for Ronald and counsel to “have a brief discussion to ensure that you understand what it is that you are requesting,” because “it may be that that request is accomplishable through [counsel],” Ronald agreed that the opportunity to discuss that with counsel was “important.” When the court added, “Because one of the things that you’re asking for, the certain relief that you are requesting, you may be choosing a path that makes that more difficult rather than easier,” Ronald responded with, “Yeah. I’m just very unfamiliar with what’s going on. I don’t understand.” We certainly cannot say that the court’s determination that Ronald was incompetent to proceed pro se is “totally unsupported by the facts.” See *Imani*, 326 Wis. 2d 179, ¶19.

Adjournment Request

¶25 WISCONSIN STAT. § 51.20(7)(c) states that a circuit court “shall schedule the matter [of a petition for involuntary commitment] for a hearing within 14 days from the time of detention of the subject individual.” Here, the final hearing ultimately ended up being conducted on February 5, 2025, beyond 14 days from the date of detention. Because of this, Ronald claims the court lost competency because it held the final hearing outside the statutorily allowed timeframe. We disagree.

¶26 The circuit court scheduled the final hearing for January 29, 2025, within the statutorily designated timeframe, held a hearing with all the parties, and was prepared to proceed with the final, evidentiary hearing at that time. During that hearing, however, Ronald began signaling he might want to represent himself,

specifically stating he did not want a public defender and that he would like to represent himself. Yet, it became increasingly clear throughout the hearing that he was completely unprepared and unable to represent himself competently. Ronald also clearly indicated to the court that he did not want to proceed with the final hearing that day, asking, “Is there anyway to get a day or two to look over everything and make sure I am caught up?” When the court explained that it was “guided by [WIS. STAT. §] 51.20(10)(e) which says that at the request of the subject individual, final hearing may be postponed [but] in no case may the postponement exceed seven calendar days from the date established by the [c]ourt under this subsection for the final hearing,” Ronald responded, “That’s plenty of time.” Counsel stated, “I have no objection to that. *That’s his request* so.” (Emphasis added.) The County indicated it was “prepared to proceed today. I have all my witnesses and would prefer to proceed today.” Ronald responded, “I have all my witnesses. I’m just not sure—I just want to make sure I know what’s going on today. Like I have never practiced law yet.... What would be the outcome, like the worst case-scenario”

¶27 Ronald’s counsel indicated he was also requesting an adjournment of the final hearing “if the [c]ourt does not grant [Ronald’s] motion to proceed pro se.” Counsel so requested in order to “make sure that we have our witnesses.... I was not aware of this ... person who we wanted to call as a witness. If we get the adjournment, I would be able to get them and that[] way we would be able to get [Ronald’s] witnesses.”

¶28 The circuit court explained that the final hearing then would “not ... be before me.” Counsel for the County asked, “Is the [c]ourt granting that adjournment then,” to which the court responded, “Yes, but I need to find out what the alternatives are. I’m not here next week.” The clerk identified February 5,

2025, at 10:00 a.m., in a different branch, as “the only time” available to hold the final hearing.

¶29 The circuit court then gave Ronald and his counsel time to confer privately regarding the possibility of Ronald proceeding pro se. After coming back on the record, the court denied Ronald’s request to proceed pro se and explained its reasons, as previously detailed.

¶30 The circuit court then stated that it “also notes that a request to adjourn the matter was made. This matter was calendared for 11:15. It is now 11:48. There has been some indication off the record that the parties are seeking to withdraw that request. The [c]ourt believes that the parties may not request an adjournment.” Ronald interjected with, “I understand how this all works. It’s more complicated than that. Can I testify?” The court denied this request, adding that it was “making its ruling.” The court stated that it

believes that there is a frustration of purpose if there is a request for an adjournment that is then withdrawn, but has done so at such a late time as to make the continuation of the hearing impossible. And so the court does deny the request ... to proceed pro se. Does grant the request for an adjournment and will set the matter on for February 5 at 10[:00] a.m.

¶31 At the postdispositional hearing, the circuit court reconfirmed that at the January 29, 2025 hearing, both Ronald and his counsel had requested adjournment of the final hearing. It concluded that Ronald’s apparent attempt, after more than two-thirds of the time allotted for the hearing had passed, to withdraw his adjournment request—which withdrawal request was not even made on the record—was ineffectual as it amounted to “manipulations [that] made the final hearing impossible,” noting that it “left the [c]ourt with insufficient time to

conduct the hearing,” “frustrat[ing]” “the [c]ourt’s purpose in complying with [WIS. STAT. §] 51.20(7)(c).”

¶32 WISCONSIN STAT. § 51.20(10)(e) provides: “At the request of the subject individual or his or her counsel the final hearing ... may be postponed, but in no case may the postponement exceed 7 calendar days from the date established by the court under this subsection for the final hearing.” Here, it is undisputed that both Ronald and his counsel requested that the final hearing be postponed. Ronald, however, contends that he withdrew his request to adjourn the final hearing and that the circuit court erred in not honoring said withdrawal. We conclude the court did not err.

¶33 “Whether to grant or deny an adjournment is a decision left to the circuit court’s discretion.” *Waukesha County v. E.J.W.*, 2021 WI 85, ¶34, 399 Wis. 2d 471, 966 N.W.2d 590; *see also State ex rel. Collins v. American Fam. Mut. Ins. Co.*, 153 Wis. 2d 477, 483, 451 N.W.2d 429 (1990) (“Circuit courts possess inherent discretionary authority to control their dockets with economy of time and effort.”). We will sustain a circuit court’s discretionary decision “if it examined the relevant facts, applied a proper standard of law and, using a demonstrated rational process, reached a conclusion that a reasonable judge could reach.” *Jandrt ex rel. Brueggeman v. Jerome Foods, Inc.*, 227 Wis. 2d 531, 549, 597 N.W.2d 744 (1999).

¶34 The circuit court had granted Ronald’s and his counsel’s requests for an adjournment and set the matter to be heard on a new date and time, a date and time within seven days, as required by WIS. STAT. § 51.20(10)(e). The question is whether the court erred in denying Ronald’s new, subsequent motion—again, not

made on the record—to withdraw his earlier request to adjourn; in effect, whether the court should maintain the adjournment request it had already granted.

¶35 The alternative to the circuit court granting the adjournment request would have been for the court to allow Ronald to control its calendar, as he had already eaten up the majority of time allotted for the final, evidentiary hearing with his last-minute requests to adjourn and to proceed pro se. This would, of course, have meant bumping other matters of the court, as the court had allotted 45 minutes for the evidentiary hearing and only 12 of those minutes remained when Ronald apparently changed his mind and sought to withdraw his request to postpone the hearing. “[C]ourts cannot allow litigants to control judicial calendars.” *Sherman v. Heiser*, 85 Wis. 2d 246, 254, 270 N.W.2d 397 (1978).

¶36 At the postdisposition hearing, the circuit court understandably referred to *Edward S.*, which stated that “a reasonable extension of the fourteen-day deadline” is permitted “where the extension is caused solely by the conduct and manipulation of the detained subject.” 247 Wis. 2d 87, ¶9. That is the case here. Considering the totality of the circumstances before the court, we conclude it did not erroneously exercise its discretion in maintaining its grant of Ronald’s and his counsel’s adjournment requests and in denying an apparent last-moment attempt by Ronald to withdraw said request. The court did not lose competency.

Sufficiency of the Evidence

¶37 Lastly, Ronald contends that the evidence presented at the final hearing was insufficient to support the circuit court’s order for involuntary commitment. We disagree.

¶38 An individual is a proper subject for commitment under WIS. STAT. § 51.20(1) if the County proves by clear and convincing evidence that the individual is mentally ill, a proper subject for treatment, and dangerous to himself or others. ***Langlade County v. D.J.W.***, 2020 WI 41, ¶29, 391 Wis. 2d 231, 942 N.W.2d 277; § 51.20(1)(a), (13)(e). Here, Ronald challenges only the circuit court’s determination that the evidence showed he was dangerous, so that will be our focus.

¶39 Whether the County met its burden of proof to support Ronald’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 appellant, Ronald bears the burden of showing that the circuit court erred. See ***Gaethke v. Pozder***, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381.

¶40 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 needs only prove that the individual is dangerous under 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.”).

¶41 Here, one of the standards the circuit court concluded the County proved Ronald was dangerous under was 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.* The County showed that here.

¶42 Bales testified that Ronald is diagnosed with bipolar disorder and is “manic and psychotic.” Bales added that during his assessment of Ronald, Ronald “was definitely very grandiose, very irritable. His thoughts were jumping around. He [was] hyper verbal, very paranoid. He really was grandiose.” Bales agreed that Ronald’s diagnosis is considered to be a substantial disorder of thought, mood and perception, specifically testifying that “[Ronald] was not fully organized in his thinking. His thoughts jumped around. He had flight of ideas. As far as mood, he was elevated in mood. He was grandiose. He was irritable. As far as perception, he was paranoid [and] suspicious” Ronald himself testified that “psychopaths [had] been terrorizing me” and “making threats” and had “broken into my home” and keyed his car and house.

¶43 Bales agreed that “[Ronald’s] mental condition grossly impair[s] his behavior and judgment,” specifically testifying that Ronald has been “increasing[ly] manic,” “impulsive,” “irritable [and] disruptive.” He further testified that Ronald “grossly lacked insight into his illness and he’s been unable to care for himself properly” He agreed that Ronald’s “mental condition impairs his ability to recognize reality.” According to Bales, Ronald “completely overestimates [his own] abilities in a delusional way [that is] caustic.” Bales agreed that “[Ronald’s] mental illness affects his ability to meet the ordinary demands of life,” including “health care, shelter, safety, [and] ordinary demands of life.” When asked which of Ronald’s actions met “the third standard[, which] requires impaired judgment with a pattern of recent acts creating a substantial probability of physical impairment to himself or to others,” Bales responded:

Ma[n]y things. His gross impaired judgment. There’s a pattern of him (indiscernible) around his home leaving insulin for his diabetes with room temperature. He’s not reality based. He lit a cigarette on the stove and singed his hair (indiscernible) ... [and] that put him at risk for a burn. I’m not sure if his hair caught on fire. He told me his hair was singed, but that’s a fire risk. He left his insulin at room temperature and that degrades the insulin He also ... somehow ... allowed some friends to get hold of his methadone and now he did not intentionally do it, but his friends overdosed. That’s impaired judgment.

Bales agreed that although Ronald’s condition is treatable, Bales believed that “[Ronald] would not seek treatment out on his own if he were to be released today.” Bales testified that Ronald currently needed “inpatient care on a locked unit.”

¶44 Officer Lehman, a police officer with the Kenosha Police Department, testified that he was called to Ronald’s house twice. The first time, he was called to investigate a door left wide open in the middle of January.

Lehman testified that Ronald was not home at that time and that he (Lehman) had observed trash and

dog feces all over the floor that we had to step on. All the kitchen cabinets were wide open. The house appeared to be rummaged through.... There were holes everywhere. There w[ere] ... bags of garbage everywhere.... [I]n the washer, there was ... brown water with clothes in it just ... sitting there.

Lehman later spoke with Ronald on the telephone, and Ronald had “said that he was bipolar and he had an episode.”

¶45 Lehman testified that the second time he was called to Ronald’s house, Ronald’s “stepmom [had] called and said that [Ronald] had thrown a plate on the floor.” Lehman asked Ronald “what was going on and why he threw the plate. And [Ronald] said that he just wanted his dad to listen and to understand. So[,] he got frustrated and threw the pla[t]e round and down, but he did not throw the plate at anyone.” Lehman testified that Ronald told him that “he was having a lot of trouble with his phone because people were hacking his phone.” Lehman further testified that Ronald “said that there were people coming in his house all hours of the night and he had not slept for 30 days [and] the only thing he was eating in the last 30 days was trail mix and ... he lost 50 pounds.” Although when Lehman first asked Ronald “if he wanted to harm anyone or himself,” Ronald answered, “[N]o,” he later said “that he would kill the people that [were] trying to come in his house and that were after him if they moved back.” Lehman agreed Ronald’s statement “that he wanted to kill these people coming into his home” concerned him and agreed that Ronald “posed a danger to others at that point” “because [if] he got the wrong house or believed that these were the people that he was ... seeing in his house and running in and out, that he might harm the wrong person.” He also agreed that Ronald’s indication that he had not slept in 30 days,

lost 50 pounds and was only eating trail mix concerned him because he felt it “messed up [Ronald’s] judgment” and made him a “little more irrational,” such as when he threw a plate just to get his father’s attention.

¶46 Ronald’s father, Michael, also testified. Michael testified that Ronald’s mental state had been declining since mid-November 2024 and that Ronald had indicated he had stopped taking his medication. Michael, who lives three and one-half hours north of Ronald, further testified that he was “very worried” about Ronald’s mental state, so he, his wife and his daughter drove down to check on Ronald. Upon their arrival, they found “bags of garbage [and] old cooked meat on the counter, which was starting to rot.” They cleaned out the refrigerator, which also contained rotting food, took the garbage bags out of the house and bagged up all of his dirty clothing to clean at their house. They also found some insulin at room temperature and some pills on the floor, and they were able to determine, based on Ronald’s prescription bottles, that he had not been taking his medication. Michael testified that while he and his wife and daughter were at Ronald’s house, Ronald “wanted a cigarette and so he bent over the stove and lit it and it did singe his hair, did catch it on fire.”

¶47 Taken together, the above evidence was sufficient to satisfy the third standard of dangerousness. The County showed that Ronald “[e]vidence[d] 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 other individuals.” See 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.

