

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 3, 2014

Diane M. Fremgen
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. 2014AP359

Cir. Ct. No. 2013ME194

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

IN RE THE COMMITMENT OF REBECCA G.:

MILWAUKEE COUNTY,

PETITIONER-RESPONDENT,

v.

REBECCA G.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
WILLIAM W. BRASH, Judge. *Dismissed.*

¶1 KESSLER, J.¹ Rebecca G. appeals an involuntary commitment order which imposed a six-month involuntary commitment. Rebecca argues that

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2011-12).

there was insufficient evidence to show that she was “dangerous” under WIS. STAT. § 51.20(1)(a)2. Because the commitment order has expired and Rebecca is no longer being held under the order, this issue is moot. Accordingly, we dismiss Rebecca’s appeal.

BACKGROUND

¶2 On January 16, 2013, Milwaukee law enforcement filed a “Statement of Detention” alleging that Rebecca suffered from a mental illness and “by impaired judgment faces imminent serious physical injury, debilitation, or disease, or is unable to care for self to satisfy basic needs for nourishment, medical care, shelter, or safety.” An evidentiary hearing was held on January 18, 2013, where the circuit court found that Rebecca was both mentally ill and a danger to herself.

¶3 A final hearing was held on February 1, 2013.² Milwaukee County (the County) called multiple witnesses at the hearing, including: (1) Joseph G., Rebecca’s father; (2) Dr. Joan Nuttall, the court-appointed examiner; and (3) Dr. Christopher Ovide, Rebecca’s treating psychologist. Rebecca testified on her own behalf.

¶4 Joseph, a nurse practitioner by profession, testified that on January 15, 2013, he was at Rebecca’s apartment. Joseph said that Rebecca had lost a significant amount of weight from the last time he saw her. He said that Rebecca pulled her shirt off and he could “see all her ribs [and] the muscle between her

All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

² The parties stipulated to adjourn the final hearing date until February 1, 2013, so the parties could explore alternative treatment options.

ribs.” Joseph also testified that Rebecca told him she “can’t eat,” that nobody could help her, and that she could only tolerate incremental amounts of water. Joseph noticed that Rebecca was struggling to breathe and feared that Rebecca would not survive much longer, prompting him to contact a crisis intervention counselor through Milwaukee police. When the police arrived, they observed Rebecca and took her into protective custody.

¶5 Both Drs. Nuttall and Ovide testified that Rebecca suffered from a mental illness and was delusional about her ability to eat. Both doctors also stated that Rebecca denied having any mental health issues. Dr. Ovide stated that Rebecca felt she could not eat because negative energy from people surrounding her overwhelmed her body, upsetting her stomach and making her unable to handle food.

¶6 Rebecca told the court that she does have a difficult time digesting solid foods, but denied any sort of correlation between her digestive issues and mental illness. Rather, Rebecca stated that she lost a lot of weight while on a personal meditation retreat, and stated that her digestive system fails to properly function if she does not get fresh air, exercise regularly, have access to artwork and access to her own personal sanctuary studio.

¶7 The circuit court found that Rebecca suffered from a treatable mental illness and that she was a proper subject for treatment. The circuit court ordered Rebecca committed for six months. This appeal follows.

DISCUSSION

¶8 The County contends that the issues raised in this appeal are moot because Rebecca has been released from in-patient care and is no longer subject to

a commitment order. Rebecca argues that her appeal is not moot because the resolution of her appeal has practical ramifications for her.

¶9 “An issue is moot when its resolution will have no practical effect on the underlying controversy.” See *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425. “In other words, a moot question is one which circumstances have rendered purely academic.” *Id.* Generally, moot issues will not be considered by an appellate court in the interest of judicial economy to avoid litigating issues that will not affect real parties to an existing controversy. See *State ex rel. La Crosse Tribune v. Circuit Court for La Crosse Cnty.*, 115 Wis. 2d 220, 228, 340 N.W.2d 460 (1983). However, there are situations where this court will consider a matter even though the result will have no practical effect upon the parties: the issues are of great public importance; the constitutionality of a statute is involved; the precise situation under consideration arises so frequently that a definitive decision is essential to guide the circuit courts; the issue is likely to arise again and should be resolved by the court to avoid uncertainty; or, a question is capable and likely of repetition and yet evades review because the appellate process usually cannot be completed and frequently cannot even be undertaken within a time that would result in a practical effect upon the parties. *Id.* at 229.

¶10 This court concludes that Rebecca’s appeal is moot. The sole issue in this case is whether or not the circuit court erred in its findings of fact and conclusions of law that the testimony elicited as to dangerousness satisfied the County’s burden of proof. Rebecca has already been released from her six-month-term of confinement. The County has not sought to extend the commitment term. Therefore, this court declines to decide the appeal and the appeal is dismissed.

By the Court.—Appeal dismissed.

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

