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DISTRICT II

March 1, 2017

To:

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

2016AP2439-NM In the matter of the mental commitment and Involuntary
Medication and Treatment of J.L.S.: Waukesha County v. J.L.S.
(L.C. #2016ME376)

Before Reilly, P.J.¹

In this WIS. STAT. ch. 51 appeal, J.L.S. appeals from an order committing him for mental health treatment and an order authorizing the involuntary administration of medication and treatment. J.L.S.'s appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). J.L.S. has filed a response. After reviewing the

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version.

record, counsel's report, and J.L.S.'s response, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the orders. *See* RULE 809.21.

The no-merit report addresses the following appellate issues: (1) whether the circuit court lost competency to proceed due to the failure to comply with mandatory time limits; (2) whether there is any arguable merit to claim that the county failed to prove by clear and convincing evidence that J.L.S. is mentally ill, a proper subject for treatment, and a danger to others; (3) whether there is any basis for challenging the circuit court's order allowing the involuntary administration of medication and treatment; and (4) whether the evidence supports the circuit court's determination that J.L.S. was a resident of Waukesha County.

The no-merit report thoroughly discusses these issues. We agree with appellate counsel that these issues do not have arguable merit for appeal. Here, the circuit court complied with the relevant time limits. The testimony of a responding police officer and court-appointed psychologist at the final hearing satisfied the county's burden to prove all required facts by clear and convincing evidence. *See* WIS. STAT. § 51.20(13)(e). Additionally, their testimony was sufficient to satisfy the applicable standards. *See K.N.K. v. Buhler*, 139 Wis. 2d 190, 198, 407 N.W.2d 281 (Ct. App. 1987) (the application of the facts to a statutory concept presents a question of law we review de novo). Finally, the evidence supports the court's determination that J.L.S. was a resident of Waukesha County. Accordingly, there is no basis to challenge the circuit court orders.

As noted, J.L.S. filed a response to counsel's no-merit report. In it, he offers excuses for his bizarre and threatening behavior² and essentially questions whether the county met its burden of proof. Because we have already concluded that it did, we are satisfied that J.L.S.'s response does not present an issue of arguable merit.

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 Suzanne L. Hagopian of further representation of J.L.S. in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Suzanne L. Hagopian is relieved of further representation of J.L.S. in this matter.

Diane M. Fremgen
Clerk of Court of Appeals

² A police officer was dispatched to a restaurant following the report of a man loitering outside of it. That man, J.L.S., was initially unresponsive to the officer. He later threatened to kill her and masturbated while staring at her.