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WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

March 25, 2026

To:

Hon. John A. Jorgensen
Circuit Court Judge
Electronic Notice

David J. Susens
Electronic Notice

Sara Henke
Register in Probate
Winnebago County Courthouse
Electronic Notice

T.R. #350172
Wisconsin Resource Center
P.O. Box 220
Winnebago, WI 54985-0220

Adam Larry Lake Gazerowitz
P.O. Box 2806
112 Otter Ave.
Oshkosh, WI 54903

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

2025AP2569-NM Winnebago County v. T.R. (L.C. #2024ME216)

Before Gundrum, 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).

Counsel for T.R. has filed a no-merit report concluding that there is no arguable basis for challenging orders extending T.R.'s commitment for mental health treatment pursuant to WIS. STAT. ch. 51 and authorizing involuntary medication and treatment. The no-merit report addresses the sufficiency of the evidence to support the order for involuntary commitment, as

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.

well as the sufficiency of the evidence to support the circuit court’s determination that T.R. is not competent to refuse psychotropic medication or treatment. T.R. was sent a copy of the report and was advised of his right to file a response. He has not done so. Upon an independent review of the record as mandated by WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967), this court summarily affirms the orders because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

This court agrees with counsel that there would be no arguable merit to challenging the sufficiency of the evidence to support the commitment order. To obtain a commitment order, the County had the burden of proving by clear and convincing evidence that (1) T.R. is mentally ill, (2) he is a proper subject for treatment, and (3) he is dangerous to himself or others. *See* WIS. STAT. § 51.20(13)(e), 51.20(1)(a).

At the extension hearing, the County elicited testimony from psychiatric care supervisor, Corey Nichols, and, a psychiatrist, Dr. Wilbur Sarino. Nichols testified that within the past six months, staff accused T.R. of threatening them. When Nichols went to investigate the reports, T.R. threatened Nichols that:

he would kill me with his six-shooter, and then began to make a bang noise like a gun was going off. And then he said, no, actually, matter of fact, I will kill you and your family with my Navy Seal gun, and then pulled out, like, a rifle-style with two hands up, pointed it at me, and began pulling the trigger.

When Nichols told T.R. his statements were inappropriate, T.R. told Nichols, “I get out in two and [one] half years, I will come find you.” Nichols testified T.R.’s demeanor was “very, very aggressive” while he made those statements, and Nichols feared for his safety.

Sarino testified that T.R. suffers from a mental illness, specifically schizoaffective disorder, which manifests in him as a disorder of thought, mood and perception that impairs his judgment, behavior, and capacity to recognize reality. T.R. was a proper subject for treatment. Sarino testified that T.R. does not believe he suffers from any type of mental illness and does not believe he needs medication. Sarino explained the advantages, disadvantages, and alternatives to medication to T.R.; however, Sarino opined that T.R. was incapable of expressing or applying an understanding of the medication advantages, disadvantages, and alternatives. Sarino stated that T.R.'s treatment records show that when T.R. stops taking medication, he decompensates and experiences delusions and aggressive behavior. Sarino also opined that T.R. was dangerous based on the reports of his threatening behavior toward staff.

The circuit court concluded that the evidence sufficiently satisfied each of the factors under WIS. STAT. § 51.20(1)(a). As for dangerousness in particular, the court found the County established that T.R. was dangerous under § 51.20(a)(1)2.b., e., and 51.20(1)(am). As the no-merit report discusses, the record supports the circuit court's conclusion. There would be no arguable merit to challenging the sufficiency of the evidence to support the commitment order.

The no-merit report also discusses whether there would be any arguable merit to challenging the sufficiency of the evidence to support the circuit court's determination that T.R. was not competent to refuse psychotropic medication or treatment. The County had the burden of proving, by clear and convincing evidence, that T.R. was incompetent to refuse medication. *Outagamie County v. Melanie L.*, 2013 WI 67, ¶37, 349 Wis. 2d 148, 833 N.W.2d 607; *see also* WIS. STAT. § 51.20(13)(e). To meet that burden, the County was required to show that the advantages and disadvantages of and alternatives to accepting the particular medication or treatment had been explained to T.R. and that he was either (1) incapable of expressing an

understanding of the advantages and disadvantages of, and the alternatives to, the medication or (2) substantially incapable of applying an understanding of the advantages, disadvantages and alternatives to his mental illness in order to make an informed choice. *See* WIS. STAT. § 51.61(1)(g)4. The circuit court made findings that all of these requirements had been met, and the record supports the circuit court's findings. There is no arguable merit to this issue.

In addition to the issues discussed above, this court has independently reviewed the record and concluded that there are no arguably meritorious issues for appeal.

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

IT IS FURTHER ORDERED that Attorney David J. Susens is relieved of further representing T.R. in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals