



OFFICE OF THE CLERK
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

July 11, 2018

To:

Hon. Daniel J. Borowski
Circuit Court Judge
615 N 6th St
Sheboygan, WI 53081

Samantha R. Bastil
Sheboygan County Corporation Counsel
615 N. 6th St.
Sheboygan, WI 53081

Paul Callan
Register in Probate
Sheboygan County Courthouse
615 N. 6th Street
Sheboygan, WI 53081

Leonard D. Kachinsky
Kachinsky Law Offices
832 Neff Court
Neenah, WI 54956-0310

A. J. R.
919A Broadway
Sheboygan, WI 53081

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

2017AP2075-NM

In the matter of the mental commitment and involuntary medication
of A.J.R.: Sheboygan County v. A.J.R. (L.C. #2017ME101A)

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).

A.J.R. appeals from WIS. STAT. ch. 51 orders committing him to the care and custody of Sheboygan County for treatment and authorizing the involuntary administration of medication due to mental illness. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). A.J.R. received a copy of the

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

report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders*, we conclude that the appeal may be disposed of summarily. WIS. STAT. RULE 809.21. We affirm the orders.

The no-merit report addresses whether there was sufficient evidence to support the orders for commitment and the involuntary administration of medication. To be subject to a WIS. STAT. ch. 51 mental health commitment, an individual must be “mentally ill,” “a proper subject for treatment,” and “dangerous” to self or others. *Fond du Lac Cty. v. Helen E.F.*, 2012 WI 50, ¶20, 340 Wis. 2d 500, 814 N.W.2d 179 (citation omitted). The facts supporting these factors must be established by clear and convincing evidence. WIS. STAT. § 51.20(13)(e). The same standard of proof applies to the determination that A.J.R. was not competent to refuse medication and treatment. *Winnebago Cty. v. Christopher S.*, 2016 WI 1, ¶49, 366 Wis. 2d 1, 878 N.W.2d 109, *cert. denied*, 136 S. Ct. 2464 (2016). As discussed in the no-merit report, the record contains sufficient evidence to support the orders entered by the circuit court.

The no-merit report also addresses whether there would be arguable merit to a challenge to the commitment proceeding in light of a prior dismissed WIS. STAT. ch. 51 proceeding. Based on the record before this court, we agree with appellate counsel that the existence of a prior ch. 51 proceeding did not preclude commencement of the ch. 51 proceeding which is the subject of this appeal. See *Kindcare, Inc. v. Judith G.*, 2002 WI App 36, ¶¶15-16, 250 Wis. 2d 817, 640 N.W.2d 839. We also agree that the circuit court did not misuse its discretion when it admitted evidence of A.J.R.’s conduct which had been a basis for the prior ch. 51 proceeding. *State v. Jackson*, 216 Wis. 2d 646, 655, 575 N.W.2d 475 (1998) (the admission of evidence is discretionary with the circuit court).

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, affirm the commitment and involuntary medication orders and relieve Attorney Leonard Kachinsky of further representation of A.J.R. 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 Leonard Kachinsky is relieved of further representation of A.J.R. in this matter.

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

Sheila T. Reiff
Clerk of Court of Appeals