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DISTRICT II

December 14, 2022

To:

Hon. Daniel J. Borowski
Circuit Court Judge
Electronic Notice

Kyle Christopher Lepak
Electronic Notice

Paul Callan
Register in Probate
Sheboygan County Courthouse
Electronic Notice

Jeremy Newman
Electronic Notice

Alexandra Scott
Electronic Notice

P.L.C.-B.

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

2022AP1305-NM

In the matter of the mental commitment of P.L.C.-B.:
Sheboygan County v. P.L.C.-B. (L.C. # 2017ME61)

Before Neubauer, 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).

In this WIS. STAT. ch. 51 case, P.L.C.-B. appeals from orders extending her mental health commitment for twelve months and authorizing the involuntary administration of medication and treatment. P.L.C.-B.'s appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). P.L.C.-B. filed multiple responses. After reviewing the record, counsel's report, and P.L.C.-B.'s responses, we conclude there are no

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2019-20). All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

issues with arguable merit for appeal. Therefore, we summarily affirm the orders. WIS. STAT. RULE 809.21.

This case commenced on August 19, 2021, with Sheboygan County's petition to extend P.L.C.-B.'s mental health commitment. P.L.C.-B. suffers from bipolar disorder and has been committed for several years. P.L.C.-B. requested a jury trial and a jury heard the matter on September 14, 2021.

Ultimately, the jury found grounds for extending P.L.C.-B.'s commitment. The circuit court then found that, due to her mental illness, P.L.C.-B. was not competent to refuse medication or treatment. Accordingly, the court entered orders extending P.L.C.-B.'s commitment and authorizing the involuntary administration of medication and treatment. This no-merit appeal follows.

The no-merit report addresses: (1) whether the evidence was sufficient to extend P.L.C.-B.'s commitment; (2) whether the evidence was sufficient to authorize the involuntary administration of medication and treatment; and (3) whether the circuit court properly exercised its discretion in denying P.L.C.-B.'s motion for a mistrial.² This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

² The motion for a mistrial was based on the independent examiner's brief references to P.L.C.-B.'s past "criminal charges" in his testimony. Trial counsel for P.L.C.-B. objected to the references and the circuit court sustained the objection. The court ordered the references stricken from the record and instructed the jury not to consider them. In the end, the court did not believe the references were sufficiently prejudicial to warrant a mistrial.

As noted, P.L.C.-B. filed multiple responses to the no-merit report. In them, she acknowledges her mental illness and need for treatment. However, she disputes that she is dangerous, insisting that she does not have “a mean bone in [her] body.” Although P.L.C.-B.’s words are encouraging, we are not persuaded that they present an issue of arguable merit or undermine the evidence of her dangerousness.³

Our review of the record—including jury selection, jury instructions, and P.L.C.-B.’s invocation of her right to remain silent at trial—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 Jeremy Newman of further representation of P.L.C.-B. 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 Jeremy Newman is relieved of further representation of P.L.C.-B. in this matter.

³ The evidence of P.L.C.-B.’s dangerousness included her recent threats to shoot or strangle other people and burn down the group home where she was residing.

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

Sheila T. Reiff
Clerk of Court of Appeals