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**DISTRICT IV**

May 30, 2025

To:

Hon. Jenna L. Gill  
Circuit Court Judge  
Electronic Notice

Corinne L. Frutiger  
Electronic Notice

Teresa Siegenthaler  
Register in Probate  
Lafayette County Courthouse  
Electronic Notice

Kathilynne Grotelueschen  
Electronic Notice

Janae F. Hochmuth  
Electronic Notice

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

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2024AP2423

In the matter of the mental commitment of F.A.B.: Lafayette  
County v. F.A.B. (L.C. # 2022ME6)

Before Taylor, J.<sup>1</sup>

**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).**

Appellant F.A.B. appeals an order of the circuit court extending his involuntary commitment and involuntary medication under WIS. STAT. ch. 51. Based on my review of the appellant's brief and record, I conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. The order is summarily reversed as a sanction against Lafayette County for its failure to file a respondent's brief, *see* WIS. STAT. RULE 809.83(2), and the cause

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<sup>1</sup> 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.

is remanded with directions that the petition for recommitment and involuntary medication be dismissed.

The County filed a petition for recommitment and an extension of involuntary medication and treatment on July 24, 2024, and the circuit court held a final hearing on August 19, 2024. At the close of the hearing, the court entered an order extending F.A.B.'s commitment for 12 months and extending a previous order for involuntary medication. F.A.B. appeals the 12-month extension of his commitment and order that he be involuntarily medicated.

F.A.B. filed his appellant's brief on February 26, 2025. F.A.B. argues that there was insufficient evidence of dangerousness to support his recommitment under any of the standards laid out in WIS. STAT. § 51.20(1)(a)2. In the alternative, F.A.B. argues that even if there was sufficient evidence of dangerousness, the circuit court did not make any of the findings required by *Langlade County v. D.J.W.*, 2020 WI 41, ¶40, 391 Wis. 2d 231, 942 N.W.2d 277.

The County's respondent's brief was due April 28, 2025. In an order dated May 2, 2025, I cautioned the County that the failure to file a respondent's brief "tacitly concedes that the trial court erred" and that this court may, in its discretion, summarily reverse the circuit court if this court concludes that the respondent has abandoned the appeal. I directed that the appeal be submitted for my review for a decision based solely upon the appellant's brief and the record.

In an order dated May 14, 2025, I stated that if the County did not file a brief, this court would summarily reverse the circuit court's recommitment order. I also noted that it appeared that the County had previously attempted to file a letter regarding its participation in this appeal, but that the letter had not been received due to the lack of a proper electronic signature. Because I did not have access to the letter, I directed the County to refile the letter properly if it wished to have it considered.

On May 14, 2025, the County refiled a new and apparently updated version of the letter it had previously attempted to file. This letter expressly concedes F.A.B.’s second issue; that is, the County agrees that the circuit court did not make the necessary findings under ***D.J.W.*** However, the County’s letter also asserts that there was sufficient evidence of dangerousness—that is, it disagrees with F.A.B.’s argument on the first issue. The letter makes no argument that the evidence was sufficient; it cites neither the record nor any supportive legal authority on this point. Nevertheless, it requests that I remand the issue to the circuit court with directions that the court make the findings required by ***D.J.W.***

On May 20, 2025, F.A.B. filed a motion for summary reversal, arguing that the County’s letter cannot substitute for an appellate brief, and that case law does not permit a remand for ***D.J.W.*** findings when the preceding order has expired, as it has here.

I conclude that summary reversal is appropriate. As noted above, I notified the County in my May 14, 2025 order that a summary reversal would result if the County did not file a brief. ***Raz v. Brown***, 2003 WI 29, ¶36, 260 Wis. 2d 614, 660 N.W.2d 647. The County did not file a brief. A letter is not a substitute for a brief submitted in accordance with the rules of appellate procedure, WIS. STAT. ch. 809. Putting aside the letter’s failure to make any substantive argument that the evidence was sufficient, a letter is not a permissible vehicle to argue the merits on appeal.

Therefore,

IT IS ORDERED that the order appealed from is summarily reversed as a sanction for the County’s failure to file the respondent’s brief, *see* WIS. STAT. RULE 809.83(2), and the matter is remanded to the circuit court with directions that the underlying petition be dismissed.

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*