COURT OF APPEALS
DECISION
DATED AND FILED

January 25, 2012

A. John Voelker
Acting Clerk of Court of Appeals

Appeal No. 2011AP2499-FT **Cir. Ct. No. 2011ME8A**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT II

IN THE MATTER OF THE MENTAL COMMITMENT OF HARLAN H.:

MANITOWOC COUNTY,

PETITIONER-RESPONDENT,

V.
HARLAN H.,

RESPONDENT-APPELLANT.

APPEAL from orders of the circuit court for Manitowoc County: FRED H. HAZLEWOOD, Judge. *Affirmed*.

¶1 REILLY, J.[1] Harlan H. appeals from his involuntary commitment for mental health treatment pursuant to WIS. STAT. § 51.20. Harlan argues that the

[1] This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2009-10). All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

evidence presented at his commitment hearing was insufficient to support his commitment. We conclude that the testimony at the hearing supported Harlan's commitment and thus affirm.

¶2 The facts are not in dispute. Harlan displayed paranoid behavior, which ultimately led to a 911 call resulting in his emergency detention and commitment. Prior to the incident leading to his detention, Harlan had told his wife that people were trying to harm her. He put her in a headlock to get her to listen to his warnings. About two weeks later, when Harlan and his wife went out to eat with Harlan's family, Harlan yelled at his wife, close to her face. Harlan's wife testified that Harlan was "acting strange" to the extent that someone called the police because "he was scaring people in the restaurant." When the deputy arrived, Harlan physically resisted the deputy's attempts to detain him. Ultimately, the deputy took his Taser from its holster, showed it to Harlan, and Harlan went with the deputy to the hospital.

¶3 Two doctors testified at the hearing in support of Harlan's commitment. Dr. Robert Dickens, a psychiatrist, testified based on a review of Harlan's medical records and Dr. Dickens' own interactions with Harlan. He opined that Harlan suffered from paranoid schizophrenia, with a "history of a system of bizarre paranoid delusions." Dr. Dickens testified that "at times [Harlan] has received orders to harm other people." Dr. Dickens opined that "someone with that thought disorder is a potential danger to other people," and that "he is a danger." Dr. L.W. Cole, a psychologist, who evaluated Harlan through a record review and his own interview with Harlan, supported Dr. Dickens' testimony, agreeing that Harlan "appear[ed] to be primarily a danger to others." Additionally, Dr. Cole opined that Harlan posed a potential risk to himself.

¶4 Based on the hearing testimony, the circuit court found Harlan was mentally ill and was dangerous because he evidenced behavior within one or more of the standards under WIS. STAT. § 51.20(1) or (1m). The circuit court committed Harlan to the care and custody of Manitowoc County for six months and ordered medication and treatment. Because the testimony at the final hearing supports the circuit court's order, we affirm.

¶5 Whether the undisputed facts meet the statutory standard set forth in WIS. STAT. § 51.20 is a question of law that we review de novo. *See* ***Bracegirdle v. Dep't of DLR***, 159 Wis. 2d 402, 421, 464 N.W.2d 111 (Ct. App. 1990).

¶6 WISCONSIN STAT. § 51.20 governs involuntary commitment for treatment of a person who is mentally ill and dangerous. Regarding danger, subparagraph 51.20(1)(a)2.b. indicates that a person is dangerous if he or she:

> [e]vidences a substantial probability of physical harm to other individuals as manifested by evidence of recent homicidal or other violent behavior, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them, as evidenced by a recent overt act, attempt or threat to do serious physical harm.

The circuit court need not state explicitly that the evidence satisfies the statutory standard; rather, this court "may assume that a missing finding was determined in favor of the order or judgment." ***Hintz v. Olinger***, 142 Wis. 2d 144, 149, 418 N.W.2d 1 (Ct. App. 1987).

¶7 Here, the evidence supports the circuit court's findings and subsequent order committing Harlan. While the circuit court did not explicitly indicate the subparagraph upon which it relied, the parties focus on WIS. STAT. § 51.20(1)(a)2.b., and the circuit court's comments mirror that subparagraph's language. Reviewing the evidence, the circuit court noted Harlan's physical act of

grabbing his wife and putting her in a headlock. The circuit court indicated that "there is a dangerous aspect to this man's illness, and that others are reasonable in reacting to that dangerousness." The doctors' testimony supports the circuit court's findings. In sum, the evidence supports the circuit court's findings and the application of subparagraph b.

¶8 Finally, we note that Harlan made no argument regarding the validity of the medication order, even though he did include it in his point heading regarding the sufficiency of the evidence. We need not address arguments broadly stated but not specifically argued, ***Fritz v. McGrath***, 146 Wis. 2d 681, 686, 431 N.W.2d 751 (Ct. App. 1988), and therefore do not address this issue.

By the Court.—Orders affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.