

FILED
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CLERK OF WISCONSIN
SUPREME COURT

SUPREME COURT OF THE STATE OF WISCONSIN
Appeal No. 2023AP000681
District II

IN THE MATTER OF THE MENTAL COMMITMENT OF
M.A.G.

OZAUKEE COUNTY DEPARTMENT OF HUMAN SERVICES,

PETITIONER-RESPONDENT,

V.

M.A.G.,

RESPONDENT-APPELLANT-RESPONDENT,

RESPONSE TO PETITION FOR REVIEW

Ozaukee County Corporation Counsel
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Jan. 4, 2024

REASON FOR DENYING REVIEW

Petitioner incorrectly states that the Petition for Review presents issues of constitutional law that should be reviewed pursuant to the s. 809.62(1r)(a) criteria. s. 809.62(3)(a)

Petitioner states that the criteria for review in s. 809.62(1r)(a) applies because

The case involves issues “real and significant question[s] of constitutional law.”

In support of her assertion, Petitioner cites language from *Addington v. Texas* about the importance of due process protections in civil commitment proceedings. (Petition, p. 5)

Petitioner’s argument that s. 809.62(1r)(a) applies is based on either a misstatement of fact or misstatement (misconstruction) of the criteria for review in s. 809.62(1r)(a). The issues that Petitioner seeks review of involve only the proper meaning and application of various Chapter 51 provisions, primarily provisions in s. 51.61(1)(g). Rather than stating what constitutional right of Petitioner’s was violated in the proceedings and how it was violated, Petitioner merely asserts that the appellate court did not properly construe or apply the requirements of the statutory provisions that she references.

Every court case involves constitutional issues on a general level and this case is no exception. This fact does not mean that every Petition for Review, including a petition related to civil commitment proceedings, contains “questions of constitutional law” for which review is appropriate under s. 809.62(1r)(a). Petitioner did not frame and state a constitutional issue in the Petition for Review. Neither did Petitioner frame and state a constitutional issue during the circuit court or appellate court proceedings.

The Court would not be considering issues of constitutional law if it accepted review of any or all of the issues Petitioner seeks review of. As no constitutional issue

would be pending before this Court, s. 809.62(1r)(a) is not a reason to grant review and s. 809.62(3)(a) is a reason to object to review.

Respectfully submitted this 4th day of January, 2024.

Electronically signed by Rhonda K. Gorden

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CERTIFICATION

I hereby certify that this Response to Petition for Review conforms to the rules contained in s. 809.19 (8)(b), (bm), and (8g) for a response. The length of this brief is 307 words.

Electronically signed by Rhonda K. Gorden

Rhonda K. Gorden