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IN THE
COURT OF APPEALS OF INDIANA

In re: The Civil Commitment of
C.M.,
C.M.

Appellant-Respondent,

v.

Richard L. Roudebush Veterans
Affairs Medical Center,

Appellee-Petitioner.

June 29, 2022

Court of Appeals Case No.
22A-MH-218

Appeal from the Marion Superior
Court

The Honorable Steven R.
Eichholtz, Judge

Trial Court Cause No.
49D08-2201-MH-544

Bradford, Chief Judge.

Case Summary

[1] C.M. has a history of mental illness. Following an incident caused by C.M. in its emergency department, the Richard L. Roudebush Veterans Affairs Medical Center (“Roudebush”) filed an application for emergency detention of a mentally ill person. Ultimately the trial court ordered C.M. to a temporary commitment, which expired on April 13, 2022. C.M. argues that the evidence was insufficient to support the order of involuntary commitment and his case should be reviewed despite mootness as it presents issues of great public interest. Because there is a great public interest in reviewing C.M.’s appeal, we will review his case on the merits, and because there is clear and convincing evidence to support the trial court’s conclusion, we affirm.

Facts and Procedural History

[2] C.M. has a history of mental-health problems. On January 6, 2022, after being released from jail, C.M. voluntarily presented at the Roudebush emergency department in Indianapolis. Though C.M. presented at Roudebush to receive assistance with housing from staff and providers, he eventually began talking to himself and yelling “to the Holy Spirit about a variety of things.” Tr. Vol. II p. 10. C.M. was described as being “manic with racing thoughts, pressured, delusional[,]” and “experiencing symptoms of mania that have compromised his housing [...] resulting in concerning behavior.” Appellant’s App. Vol. II p. 11. That same day, Roudebush filed an application for emergency detention of a mentally ill person, stating that if C.M. was not restrained immediately he

“[would] be unable to care for [his] basic needs.” Appellant’s App. Vol. II p. 11.

[3] At some point during his stay at Roudebush, C.M. made threatening comments to Dr. Stalnaker, telling her that he had “a license to kill,” and that he was going to “unleash an arsenal of armory upon you[.]” Tr. Vol. II p. 14. C.M. was also observed rummaging through “biohazard bags full of used personal protective equipment” and then re-wearing those materials himself and “building a shrine from it [...] using a variety of pieces to decorate his room.” Tr. Vol. II p. 13. C.M. was verbally aggressive with staff and threw things at others, destroyed a toilet in his room by pulling up the wax seal, and drank three bottles of mouth wash.

[4] Ultimately, an evidentiary hearing was held on January 13, 2022, after which the trial court entered an order of temporary commitment. That order was set to expire on April 13, 2022, unless C.M. was discharged prior to that date.

Discussion and Decision

[5] C.M. contends that the evidence was insufficient to support his involuntary commitment. For its part, Roudebush argues that because the temporary commitment expired, we cannot grant C.M. any relief and his appeal is therefore moot.

The long-standing rule in Indiana courts has been that a case is deemed moot when no effective relief can be rendered to the parties before the court. When the concrete controversy at issue in

a case has been ended or settled, or in some manner disposed of, so as to render it unnecessary to decide the question involved, the case will be dismissed.

Matter of Lawrance, 579 N.E.2d 32, 37 (Ind. 1991) (internal quotation omitted).

However, the Indiana Supreme Court recently reaffirmed that, “though appellate courts are not required to issue an opinion in every moot case[,]” we may continue the “practice of considering many involuntary commitment appeals” that fall “under the public interest exception.” *Commitment of E.F.*, --- N.E.3d ----, 2022 WL 2115419 at *3 (Ind. June 13, 2022).

[6] In this case, on January 13, 2022, the trial court ordered that C.M. be involuntary committed, which commitment was set to expire on April 13, 2022. C.M. contends that the trial court erred by granting the petition for involuntary commitment despite insufficient evidence that he was a danger to himself or others and that he was gravely disabled. C.M. acknowledges that his temporary commitment has expired and the issue is therefore moot, but argues that the issues presented are “of great public importance.” Appellant’s Br. p. 20. C.M. argues specifically that his commitment may affect his future employment prospects, ability to own a firearm, and is “likely to recur because review of the sufficiency of the evidence presented in mental health cases is the only way to ensure that orders of commitment aren’t being granted absent clear and convincing evidence.” Appellant’s Br. p. 20. In light of our Supreme Court’s recent decision in *In re E.F.*, C.M.’s argument that issues of great public interest are implicated by his case, and the ““significant deprivation of liberty that requires due process protection”” which occurs during any involuntary

commitment, we will review C.M.'s claim on the merits. 2022 WL 2115419 at *2 (quoting *Addington v. Texas*, 441 U.S. 418, 425–26 (1979)).

[7] To obtain an involuntary commitment, the petitioner is “required to prove by clear and convincing evidence that the person is: (1) mentally ill and either dangerous or gravely disabled, and (2) detention or commitment of the person is appropriate.” Ind. Code § 12-26-2-5(e). Indiana Code section 12-26-2-5(e) is written in the disjunctive, and therefore Roudebush need only prove that C.M. was either dangerous or gravely disabled. *See M.Z. v. Clarian Health Partners*, 829 N.E.2d 634, 637 (Ind. Ct. App. 2005).

[8] There was clear and convincing evidence to support the trial court’s findings that C.M. was a danger to himself and others and was gravely disabled. Dr. Stalnaker testified that based on her review of C.M.’s medical records, he has a history of becoming homeless and incarcerated when he does not take his medications. Dr. Stalnaker testified at C.M.’s commitment hearing that she believed that he was a danger to himself and others

as evidenced by the threats that he’s made to staff, including myself um, which I’m testifying to today. Um also I think there have been instances while he’s been hospitalized, although the patient has not attempted to end his life or endorsed any suicidality, I think he has shown that he has a risk of unintentionally bringing harm to himself as evidenced by, you know, using other people’s personal protective equipment. Um, he, he also got on suicide precautions due to being witnessed drinking um, three bottles of mouth wash which I think could be also a way to harm yourself.

Tr. Vol. II p. 19. There was also ample testimony concerning C.M. being gravely disabled, as Dr. Stalnaker testified that he was also unable to “function independently” due to the “mania” and “delusions of grandeur” which were part of his mental illness. Tr. Vol. II p. 19. Soon after arriving voluntarily at Roudebush, C.M. began talking to himself and yelling “to the Holy Spirit about a variety of things.” Tr. Vol. II p. 10. C.M. reported that, before voluntarily arriving at Roudebush, “the Free Masons provided him some signs that he was following which led him to an RV with the name Gray Wolf on it. Which is, he reports his chosen Native American royal name[;]” the “police were called[;]” he was arrested; and the police “stole some of his property [...] including the blood diamond which he was planning to sell to use to buy the RV.” Tr. Vol. II p. 10. There is clear and convincing evidence to support the trial court’s determination that C.M. was a danger to himself and others and was gravely disabled, justifying his involuntary commitment.

[9] The judgment of the trial court is affirmed.

Najam, J., and Bailey, J., concur.