

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In the Matter of the Civil
Commitment of:

R.M.,
Appellant,

v.

Oaklawn Psychiatric Hospital,
Appellee.

September 18, 2023

Court of Appeals Case No.
23A-MD-774

Appeal from the Elkhart Superior
Court

The Honorable Teresa L. Cataldo,
Judge

The Honorable Eric S. Ditton,
Magistrate

Trial Court Cause No.
20D03-2303-MH-237

Memorandum Decision by Judge Bailey
Judges Tavitas and Kenworthy concur.

Bailey, Judge.

Case Summary

- [1] R.M. appeals an involuntary, temporary order committing him to outpatient treatment at Oaklawn Psychiatric Hospital, for a period not to exceed ninety days, with up to one week of inpatient treatment, expiring on June 14, 2023. R.M. presents the sole issue of whether he was denied the effective assistance of counsel. Because his appeal is moot and does not fall within an exception to the mootness doctrine, we dismiss the appeal.

Facts and Procedural History

- [2] R.M. has been diagnosed with unspecified schizophrenia, and he has a history of non-compliance with his medication regimen. Beginning in 2020, there were several instances in which Goshen police officers were called to the residence that R.M. shares with his mother to check on R.M.'s welfare or to respond to domestic battery and property damage reports. By 2023, the calls occurred about four to six weeks apart.
- [3] On March 11, 2023, R.M. was found wandering around outside his residence, wearing only shorts although the exterior temperature was around thirty degrees. R.M. was speaking incoherently. Goshen Police Officer James Ballard escorted R.M. to a local hospital emergency room, where R.M. became agitated and struck a security officer in the face.

- [4] On March 13, 2023, an application for emergency detention was filed, and R.M. was admitted to Oaklawn Psychiatric Hospital. On March 15, Dr. Carmela Cowdrey filed her report, seeking authority for further treatment of R.M. The trial court conducted a hearing on March 16, at which R.M. appeared and was represented by counsel. At the conclusion of the hearing, the trial court entered an order of outpatient commitment not to exceed ninety days, inclusive of up to one week of inpatient treatment.
- [5] R.M. appeals, contending that his counsel was ineffective because: counsel did not stop R.M. from speaking out; cross-examination was brief; and counsel lodged no objection when evidence was elicited concerning the history of police calls to R.M.'s residence.

Discussion and Decision

- [6] R.M. appeals a temporary commitment order that expired on June 24, 2023. He acknowledges that the appeal “could be considered moot.” Appellant’s Brief at 9. “A case is moot when the controversy at issue has been ended, settled, or otherwise disposed of so that the court can give the parties no effective relief.” *E.F. v. St. Vincent Hosp. & Health Care Ctr., Inc.* 188 N.E.3d 464, 466 (Ind. 2022). “But ‘Indiana recognizes a public interest exception to the mootness doctrine, which may be invoked when the issue involves a question of great public importance which is likely to recur.’” *Id.* (quoting *Matter of Tina T.*, 579 N.E.2d 48, 54 (Ind. 1991)). This exception should be applied on a case-by-case basis.” *Id.* at 465.

[7] Appellate courts have discretion to decide moot cases that present issues of great public importance that are likely to recur. *Id.* at 466. In the context of temporary mental health commitments, this Court “routinely consider[s] the merits” of moot cases where the appeal addresses a novel issue, presents a “close case,” or presents an opportunity to develop case law on a complicated topic. *Id.* at 467. We do so because a “[c]ivil commitment for any purpose has a very significant impact on the individual and constitutes a significant deprivation of liberty that requires due process protection.” *Id.* (quotations and citation omitted). A party appealing a moot case bears the burden of proving that the public-interest exception applies. *See Bookwalter v. Ind. Election Comm’n*, 209 N.E.3d 438, 443-44 (Ind. Ct. App. 2023), *trans. denied*.

[8] R.M. does not contend that his appeal addresses a novel issue, presents a close case, or affords an opportunity to develop case law on a complicated topic. R.M. simply observes that a commitment proceeding is of “great importance to society” and presents a “situation that is likely to recur.” Appellant’s Brief at 9. He then develops no corresponding argument. As such, R.M. has not met his burden of proving that an exception to the mootness doctrine applies in his case.

Conclusion

[9] R.M.’s appeal is moot, as his temporary commitment has expired, and he has failed to show an applicable exception to the mootness doctrine.

[10] Dismissed.

Tavitas, J., and Kenworthy J., concur.