

United States Court of Appeals
For the Eighth Circuit

No. 15-3490

United States of America

Plaintiff - Appellee

v.

Shane Denny

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Springfield

Submitted: May 2, 2016

Filed: May 5, 2016

[Unpublished]

Before WOLLMAN, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Shane Denny was found incompetent under 18 U.S.C. § 4241(d) to stand trial on federal charges involving violent conduct and was then civilly committed following proceedings held under 18 U.S.C. § 4246 (providing for the hospitalization of a person found to be suffering from a mental disease or defect such that his release

would be dangerous). Denny appeals from the commitment order entered by the District Court,¹ challenging the sufficiency of the evidence.

After reviewing the record, we see no clear error. See United States v. Williams, 299 F.3d 673, 676 (8th Cir. 2002) (setting forth the standard of review and noting that a finding is clearly erroneous only if the reviewing court is left with definite and firm conviction that a mistake has been made); United States v. LeClair, 338 F.3d 882, 885 (8th Cir.) (noting that factors suggesting dangerousness include a history of prior assault; substance abuse; “extreme paranoia and grandiose delusions; . . . little insight into [one’s] mental illness and need for treatment; no assurance of compliance with treatment outside a structured setting; potential access to weapons; and lack of external environmental controls on release”), cert. denied, 540 U.S. 1025 (2003). In particular, the District Court’s order is supported by Denny’s demonstrated lack of insight into his major mental illness; his history of deterioration when noncompliant with treatment; his paranoid beliefs and continuing symptoms, even while compliant with treatment; and his history of violent behavior. We therefore affirm the judgment of the District Court, and we grant counsel’s motion to withdraw.

¹The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable David P. Rush, United States Magistrate Judge for the Western District of Missouri.