

United States Court of Appeals
For the Eighth Circuit

No. 18-2409

United States of America

Plaintiff - Appellee

v.

Bobby Hammond

Defendant - Appellant

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

Submitted: March 4, 2019
Filed: March 13, 2019
[Unpublished]

Before BENTON, WOLLMAN, and KELLY, Circuit Judges.

PER CURIAM.

Bobby Joseph Hammond appeals the district court's¹ order committing him to the custody of the Attorney General for hospitalization under 18 U.S.C. § 4246. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

After a hearing, the district court found by clear and convincing evidence that Hammond was suffering from a mental disease or defect such that his release would create a substantial risk of bodily injury to another person or serious damage to the property of another. *See* 18 U.S.C. § 4246. This court concludes the decision was not clearly erroneous. *See United States v. Williams*, 299 F.3d 673, 676-78 (8th Cir. 2002) (standard of review).

The commitment order is supported by medical opinions set forth in reports prepared by mental health professionals where Hammond is presently confined for treatment, and by defense counsel's independent psychological examiner. The reports noted that Hammond lacks insight into his mental condition, has difficulty controlling the symptoms of his mental illness within a monitored environment, and indicated he likely would not continue treatment if released. They concluded that there is a nexus between Hammond's mental illness and his destructive and aggressive behaviors, and that he meets the criteria for section 4246 commitment. *See United States v. Ecker*, 30 F.3d 966, 970 (8th Cir. 1994) (factors determining potential dangerousness).

This court notes that the Attorney General is under a continuing obligation to exert reasonable efforts to place Hammond in a suitable state facility, and that Hammond's custodians must prepare annual reports concerning his mental condition and the need for continued commitment. *See* 18 U.S.C. §§ 4246(d) and 4247(e)(1)(B).

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.

The judgment is affirmed. Counsel's motion to withdraw is granted.
