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**IN THE
COURT OF APPEALS OF INDIANA**

IN THE MATTER OF THE CIVIL)
COMMITMENT OF T.K.,)
)
Appellant-Respondent,)
)
vs.)
)
DEPARTMENT OF VETERANS AFFAIRS,)
RICHARD L. ROUDEBUSH VA MEDICAL)
CENTER,)
)
Appellee-Petitioner.)

No. 49A02-1310-MH-878

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Gerald S. Zore, Judge
Cause No. 49D08-9906-MH-582

April 3, 2014

MEMORANDUM DECISION ON REHEARING - NOT FOR PUBLICATION

BAILEY, Judge

On rehearing, T.K. argues that this Court’s memorandum decision contains a factual error that is material to the outcome of the case. He is mistaken. In our Statement of the Facts, we stated that the VA Medical Center’s Application for Emergency Detention of Mentally Ill and Dangerous Person alleged that T.K. threatened to kill his ex-wife’s husband and children. In our Discussion of the Issues section of the decision, we stated that T.K. threatened to kill his ex-wife. T.K. is correct that this is a factual misstatement because he threatened to kill his ex-wife’s husband and children and not his ex-wife. However, this factual error is not material to the outcome of the case. If we remove this misstatement from our analysis, the remaining evidence supports T.K.’s involuntary commitment. Once this statement is removed, T.K.’s petition raises no question other than the sufficiency of the evidence, which has a well-established standard that guides us on appellate review and was fully considered and discussed by this court in our original decision. We advise counsel that a “petition whose success depends upon our ignoring the constraints placed upon us has no chance of success.” Maberry v. State, 748 N.E.2d 881, 886 (Ind. Ct. App. 2001).

Accordingly, we grant rehearing for purposes of correction and clarification but deny relief.

FRIEDLANDER, J., and KIRSCH, J., concur.