

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

P.K.,

Appellant.

No. 40633-1-II

UNPUBLISHED OPINION

Worswick, A.C.J. — P.K. appeals a Pierce County superior court order of involuntary commitment. He contends the court erred in finding that he waived his right to counsel knowingly, voluntarily, and intelligently. He also argues that the evidence was not sufficient to support the commitment, and the written findings are inadequate to permit meaningful review. Because P.K.'s commitment has expired, these issues are moot, and we dismiss the appeal.

FACTS

At the time of the civil commitment hearing, P.K. was 35 years old, and he had been living with his father, L.K., for the previous year and a half. He had moved in with L.K. after his release from a mental hospital.¹ Staff at the hospital had advised L.K. to ensure that P.K. took his prescribed medication. P.K. refused, claiming that he was “a healed person.” Verbatim Report of Proceedings at 13.

¹ P.K. had actually spent time in two mental hospitals. He had been a patient at a Utah state mental hospital on three different occasions over the previous five years. Thereafter, he spent a short period of time in a King County hospital. It appears that he began living with L.K. after he left Utah.

L.K. testified that P.K. became increasingly depressed and angry.² He broke a door in L.K.'s house, and on March 3, 2010, he hit his father, giving him a bloody nose. P.K.'s sister called the police; they arrested P.K., and the State charged him with fourth degree assault. The Federal Way Municipal Court dismissed the charge, finding that P.K. was incompetent to stand trial, and ordered that he be evaluated at Western State Hospital.

Linda Bowman, PhD and Nitin Karnik, MD conducted that evaluation. Based on their findings, they petitioned for a 90-day involuntary treatment order. In support of the petition, they filed an affidavit, stating that P.K. suffers from a psychosis NOS (not otherwise specified) and a possible mood disorder NOS with psychotic features.

At the commitment hearing on March 30, 2010, P.K. indicated that he wished to represent himself. Following a colloquy on the matter, the court determined that P.K. was competent to waive counsel and that he was making the decision knowingly, intelligently, and voluntarily. The court then heard testimony from P.K.'s father and Dr. Linda Bowman. Dr. Bowman testified about P.K.'s interactions with staff at Western State, noting that he was hostile, belligerent, and threatening. She also said that she had reviewed reports that he had threatened to burn his parents's house down and had rammed his car into their car. She said that he believed that people were out to get him and overreacted to the actions of others. Because he refused to take the medicines that could control his psychosis, he presented a risk of serious harm to others.

The court found by clear, cogent, and convincing evidence that P.K. presented a likelihood of serious harm to others, and that he was gravely disabled. It also found that a less

² This mood was apparently exacerbated by injuries received in an accident. He was hit by a car, breaking his hip and both of his legs.

restrictive alternative was not appropriate and ordered up to 90 days of involuntary treatment at Western State Hospital.

On May 13, 2010, P.K. left Western State without permission. He did not return, and on June 7, 2010, when the 90-day commitment period expired, the hospital released him from medical authority and commitment.

ANALYSIS

P.K. argues that the issues he raises are not moot because he continues to face the possibility of recommitment. He relies on *State ex rel. T.B. v. CPC Fairfax Hosp.*, 129 Wn.2d 439, 447, 918 P.2d 497 (1996), which held that a minor's escape from a private mental health facility did not render her appeal moot. *Fairfax* is inapposite because it involved the commitment of the minor for an indeterminate period upon the application of her parents, and the possibility of her recommitment without a further hearing. *Fairfax Hosp.*, 129 Wn.2d at 445-447. P.K. is an adult, and his involuntary commitment occurred by court order for a period of not more than 90 days. That period has expired, and he cannot be recommitted without another hearing and a new determination by the court that he continues to present a likelihood of serious harm to others, or continues to be gravely disabled. RCW 71.05.030, .230, .310, .320.

“An issue is moot when a court can no longer provide meaningful relief.” *In re Det. of J.S.*, 138 Wn. App. 882, 889, 159 P.3d 435 (2007). This court cannot provide effective relief. P.K. cannot be recommitted without a new hearing, and nothing we decide here could affect his future status. *See J.S.*, 138 Wn. App. at 897.

As P.K. argues, we may review a moot case that involves matters of continuing and

substantial public interest. In determining whether review is appropriate, we consider: (1) the public or private nature of the question presented; (2) the desirability of an authoritative determination which will provide future guidance to public officers; and (3) the likelihood that the question will recur. *J.S.*, 138 Wn. App. at 889-90 (*quoting In re Det. of McLaughlin*, 100 Wn.2d 832, 838, 676 P.2d 444 (1984)). P.K.'s sufficiency and waiver issues turn on facts unique to his particular case, and determination of these matters will not provide future guidance to the trial courts. *See In re Det. of W.R.G.*, 110 Wn. App. 318, 322, 40 P.3d 1177 (2002).

As to the third issue, the challenge to the court's findings, our supreme court long ago established the requirements for adequate findings in involuntary commitment cases. *See In re LaBelle*, 107 Wn.2d 196, 218-19, 728 P.2d 138 (1986). This case presents no unique legal issue that would make additional guidance desirable.

There is no ground justifying further review of this matter. This appeal is dismissed.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

Worswick, A.C.J.

We concur:

Quinn-Brintnall, J.

Johanson, J.