

United States Court of Appeals
For the Eighth Circuit

No. 15-1125

United States of America

Plaintiff - Appellee

v.

Richard Andrew Broker

Defendant - Appellant

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

Submitted: June 29, 2015

Filed: July 2, 2015

[Unpublished]

Before WOLLMAN, LOKEN, and BENTON, Circuit Judges.

PER CURIAM.

Richard Broker appeals the district court's¹ order committing him to the custody of the Attorney General under 18 U.S.C. § 4246, which provides for a person's commitment to the custody of the Attorney General for hospitalization and treatment in a suitable facility if the person is found--by clear and convincing evidence after a hearing--to be suffering from a mental disease or defect as a result of which 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(d). This court reviews such a finding for clear error. See United States v. LeClair, 338 F.3d 882, 885 (8th Cir. 2003). A factual finding is clearly erroneous when the reviewing court is left with the definite and firm conviction that a mistake has been made. See United States v. Williams, 299 F.3d 673, 676 (8th Cir. 2002).

Having reviewed the record, we affirm the judgment of the district court. There was no disagreement among the mental health professionals who evaluated Broker that he was suffering from a schizoaffective disorder such that his release would be dangerous, in part based on his lack of insight, his noncompliance with treatment, his paranoid beliefs, and his history of threatening and violent behavior, with some threats directed at specific targets. See id. at 676-77; United States v. Ecker, 30 F.3d 966, 970 (8th Cir. 1994); LeClair, 338 F.3d at 884-85.

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

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.