

United States Court of Appeals
For the Eighth Circuit

No. 18-2488

United States of America

Plaintiff - Appellee

v.

Darryl Tucker

Defendant - Appellant

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

Submitted: February 25, 2019

Filed: February 28, 2019

[Unpublished]

Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

PER CURIAM.

Darryl Tucker appeals the district court's¹ order committing him to the custody of the Attorney General for hospitalization after finding that he 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.

Upon reviewing for clear error the factual determinations underlying the district court's commitment decision, we affirm. 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 Tucker is presently confined for treatment, and by defense counsel's independent psychological examiner. The reports noted that Tucker suffers from a mental illness which causes him to pose a danger to others, has difficulty controlling the symptoms of that illness even within a monitored prison environment, lacks insight into his medical condition, and likely would not adhere to treatment if released. See United States v. Ecker, 30 F.3d 966, 970 (8th Cir. 1994) (factors in determining potential dangerousness). We note that the Attorney General is under a continuing obligation to exert reasonable efforts to place Tucker in a suitable state facility, and that his 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).

The judgment is affirmed, and 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.