

NOT DESIGNATED FOR PUBLICATION

SEALED RECORD

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2017 CA 0739

IN THE MATTER OF THE COMMITMENT OF C.G.W.

DATE OF JUDGMENT: DEC 21 2017

ON APPEAL FROM THE TWENTY-SECOND JUDICIAL DISTRICT COURT
NUMBER 2016-50139, DIVISION C, PARISH OF ST. TAMMANY
STATE OF LOUISIANA

HONORABLE SCOTT GARDNER, JUDGE

C.G.W.
Mandeville, Louisiana

Appellant-Pro Se

Joanne Henig
Baton Rouge, Louisiana

Counsel for Defendant-Appellee
Northlake Behavioral Health System

BEFORE: WHIPPLE, C.J., McDONALD, AND CHUTZ, JJ.

Disposition: AFFIRMED.

CHUTZ, J.

C.G.W. appeals the trial court's judgment, declaring him to be mentally ill and committing him to the Louisiana Department of Health for observation, care, and treatment.¹ We affirm.

The John M. Dean, the Chief Executive Officer for Northlake Behavioral Health System filed a petition for the judicial commitment of C.G.W. A hearing was held at which psychiatrist, Dr. Hyon Su Kim, the medical director of Northlake Behavioral Health Hospital, concluded C.G.W., who has been diagnosed with schizophrenia, was gravely disabled. Dr. Kim based his conclusion on C.G.W.'s mental state, which prohibits C.G.W. from being able to function outside the structure of a hospital. He stated that C.G.W. could not care for his basic needs including his medical care. According to Dr. Kim, C.G.W. is capable of violent behavior and has delusions and agitation related primarily to governmental officials. He testified that one subject that often bothers C.G.W. is C.G.W.'s belief that the government injected his heart with a vaccine. Dr. Kim also noted that C.G.W. has been uncooperative in attempts to change his medication to more effectively address his symptoms because he has been unable to abandon his concerns about his delusions so as to understand Dr. Kim. Dr. Kim's testimony indicated that C.G.W.'s continuing delusions, continued history of medical noncompliance, and repeated histories of psychiatric hospitalizations supported the conclusion that C.G.W. is unable to provide for his basic needs as a result of mental illness.

To commit an individual under the Behavioral Health Law, the petitioner must show by clear and convincing evidence that an individual is gravely disabled due to mental illness. La. R.S. 28:55E(1). The "clear and convincing" evidence burden of proof applicable to a judicial commitment is greater than the

¹ We use appellant's initials herein to protect the confidentiality of his identity.

“preponderance of the evidence” standard applicable to most civil matters but less onerous than the “beyond a reasonable doubt” standard applicable to criminal matters. Under the clear and convincing evidence standard, the existence of the disputed fact must be highly probable or much more probable than not. See *In re Mental Health of S.A.V.*, 2008-1013 (La. App. 1st Cir. 6/20/08), 992 So.2d 1067, 1070.

“Gravely disabled” is the condition of a person who is unable to provide for his own basic physical needs, such as essential food, clothing, medical care, and shelter, as a result of serious mental illness and is unable to survive safely in freedom or protect himself from serious harm. See La. R.S. 28:2(13). Both elements of “gravely disabled” must be proven in order to commit an individual under the Behavioral Health Law. See *In re Mental Health of S.A.V.*, 992 So.2d at 1070.

Whether a person is gravely disabled due to mental illness and unable to survive safely in freedom are factual determinations to be made by the trial court, and these findings will not be disturbed on appeal in the absence of manifest error. See *In re Mental Health of S.A.V.*, 992 So.2d at 1071. The issue to be resolved by a reviewing court is not whether the trier of fact was right or wrong, but whether the factfinder’s conclusion was a reasonable one in light of the record reviewed in its entirety. Even though an appellate court may feel its own evaluations and inferences are more reasonable than the factfinder’s, reasonable evaluations of credibility and reasonable inferences of fact should not be disturbed upon review where conflict exists in the testimony. *Stobart v. State through Dep’t of Transp. & Dev.*, 617 So.2d 880, 882-83 (La. 1993). Although, the factual findings of the trial court in commitment cases are entitled to great weight, the record must be reviewed in light of the heightened burden of proof required by constitutional and statutory law since the judgment of the trial court involves the deprivation of

liberty by involuntary commitment. See *In re Mental Health of S.A.V.*, 992 So.2d at 1071.

Because the record contains clear and convincing evidence that C.G.W. is gravely disabled as a result of mental illness and unable to survive safely in freedom, a reasonable factual basis exists to support the trial court's judgment, committing him to the Louisiana Department of Health for observation, care, and treatment. Therefore, the trial court's determination is not manifestly erroneous or clearly wrong.

DECREE

For these reasons, the trial court's judgment is affirmed. Appeal costs are assessed against C.G.W.

AFFIRMED.