

STATE OF MAINE
KENNEBEC, ss

SUPERIOR COURT
CIVIL ACTION
Docket No. AP -11-047
NM-KEN-10/1/2012

IN RE JOHN D.

DECISION AND ORDER


Before the court is an appeal¹ of a court-ordered commitment of the appellant after a hearing on 8/10/11.² The appellant argues that the record does not support the findings and conclusions that (1) adequate community services as an alternative to involuntary hospitalization did not exist and (2) the appellant has a mental illness posing a risk of physical harm to himself.³

The only testimony in the record, that of psychiatrist Dr. Aaron Greenwald and psychologist Dr. Charles Robinson, supports the decision of the District Court judge. (See Tr. 12-14, 20, 30 (Aug. 10, 2011).)

The entry is

The Order of the District Court dated 8/10/11 is AFFIRMED.

Date: October 1, 2012



Nancy Mills
Justice, Superior Court

¹ On 8/10/11, the District Court judge ordered hospitalization for the appellant for a period not to exceed 90 days. It is difficult to determine from this record whether the criteria for addressing an appeal that is moot are present in this case. (See Tr. 24 (Aug. 10, 2011).); In re Walter R., 2004 ME 77, ¶ 9; In Re Faucher, 558 A.2d 705, 706 (Me. 1989).

² An application for an emergency, involuntary admission was signed by a District Court judge on 7/29/11.

³ An additional argument regarding the timeliness of the post-admission examination, identified in the notice of appeal, was not pursued.

Date Filed 8/17/11 Kennebec County Docket No. AP-11-47

Action Mental Health

J. Mills

In re: John Davis vs.

Plaintiff's Attorney

Margaret Shalhoob, Esq.
~~28 Williams Street~~ 11 Lucas Drive
~~Bangor, ME 04401~~ Montville, ME 04941

Defendant's Attorney

Bruce Williams, Esq.
Office of Regional Counsel (02)
Department of Veterans Affairs
1 VA Center
Augusta Maine 04330

Date of
Entry

8/24/11	Entire file transferred from Augusta District Court (MH-11-69), filed 8/17/11.
8/29/11	Letter regarding hearing in District Court on 8/10/11, filed 8/23/11. s/Davis, Pro Se
9/27/11	Transcript, filed 9/26/11. (AUGDC-MH-11-69, of 8/10/11.) s/Cheney, Transcriber, Electronic Recording Division.
9/30/11	NOTICE AND BRIEFING SCHEDULE ISSUED: Copies mailed to attys.
11/9/11	Brief of Appellant, filed. s/Shalhoob, Esq.
12/15/11	Brief of the Appellee, filed. s/Williams, Esq. (filed 12/8/11)
1/20/12	Joint Motion to Waive Oral Argument, filed. s/Williams, Esq.
1/23/11	Letter informing the court no objection to waive oral arguments, filed. s/Shalhoob, Esq.
2/1/12	Proposed Order, filed.
5/17/12	ORDER, Mills. J. Under advisement order issued. Copies to attys. of record.
10/1/12	DECISION AND ORDER, Mills, J. The Order of the District Court dated 8/10/11 is AFFIRMED. Copies mailed to attys. of record File returned to Augusta District Court Copies mailed to repositories