

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA11-1585  
NORTH CAROLINA COURT OF APPEALS

Filed: 17 July 2012

IN THE MATTER OF:

SHAY FOX

Buncombe County  
No. 11 SPC 1260

Appeal by respondent from order entered 14 July 2011 by Judge Ward D. Scott in Buncombe County District Court. Heard in the Court of Appeals 2 July 2012.

*Attorney General Roy Cooper, by Assistant Attorney General Janette Soles Nelson, for petitioner appellee.*

*Appellate Defender Staples Hughes, by Assistant Appellate Defender Emily H. Davis, for respondent appellant.*

McCULLOUGH, Judge.

Respondent appeals from an order involuntarily committing him to an inpatient mental health facility for a period of thirty days. Although the term of commitment has been fully implemented, the appeal is not moot because the order has possible collateral legal consequences. *In re Booker*, 193 N.C. App. 433, 436, 667 S.E.2d 302, 304 (2008).

An affidavit and petition for involuntary commitment of respondent was executed on 26 June 2011 by a person who had

formerly dated respondent. The petitioner alleged that respondent had been diagnosed with schizophrenia about four years prior to the date of the petition and that respondent's recent behavior and statements had caused the petitioner and her coworkers and friends to become concerned for their safety.

Upon receipt of the petition, a magistrate ordered that respondent be taken into custody for the purpose of an examination by a legally authorized person to determine whether respondent was a proper subject for involuntary commitment. One person examined respondent on 27 June 2011 and expressed an opinion that respondent was mentally ill. Another person examined respondent on 2 July 2011 and expressed an opinion that respondent was mentally ill, dangerous to himself and dangerous to others.

The trial court conducted a hearing upon the petition on 14 July 2011. At the conclusion of the hearing, the trial court, on a standard preprinted form, marked a box indicating it found by clear and convincing evidence that "The Respondent Meets Criteria for Further Inpatient Commitment." Based upon this sole finding, the trial court concluded that respondent was mentally ill and dangerous to others. The trial court ordered

respondent's involuntary commitment to an inpatient facility for a period of thirty days.

Relying upon *In re Allison*, \_\_\_ N.C. App. \_\_\_, \_\_\_, 715 S.E.2d 912, 915 (2011), respondent contends that the trial court erred by involuntarily committing him because the involuntary commitment order is not supported by sufficient written findings of fact. In *Allison*, we reversed and remanded an involuntary commitment order which contained only one finding of fact, the identical finding of fact made by the court at bar, without making any specific findings of fact or attaching any reports referenced as findings to the order. The present case is indistinguishable from *Allison*. We accordingly reverse and remand this case for the making of appropriate findings of fact.

Reversed and remanded.

Judges HUNTER (Robert C.) and ELMORE concur.

Report per Rule 30(e).