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IN THE COURT OF APPEALS OF NORTH CAROLINA

2021-NCCOA-369

No. COA20-777

Filed 20 July 2021

Durham County, No. 20SPC802

IN THE MATTER OF: R.S.H.

Appeal by Respondent from order entered 19 June 2020 by Judge Patricia Evans in Durham County District Court. Heard in the Court of Appeals 10 March 2021.

Attorney General Joshua H. Stein, by Assistant Attorney General Rachel A. Brunswig, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Candace Washington, for Respondent-Appellant.

DILLON, Judge.

¶ 1 Respondent appeals from an involuntary commitment order committing her to an inpatient facility for a period not to exceed thirty (30) days.

I. Background

¶ 2 Respondent is a young woman who was brought to Duke University Medical Center (the “hospital”) by her mother. She was examined by a psychiatrist who

determined that Respondent had suicidal tendencies with voices inside her head telling her to harm herself. The psychiatrist opined that Respondent was mentally ill and a danger to herself, recommending she be committed for a short period to allow for her psychotic symptoms to be stabilized. The psychiatrist filed a petition to have Respondent involuntarily committed.

¶ 3 Respondent was subsequently examined by another doctor, who also opined that Respondent was mentally ill and a danger to herself, diagnosing her with acute psychosis.

¶ 4 On 19 June 2020, the trial court held the involuntary commitment hearing. Neither the State nor the hospital was represented by counsel. A third doctor from the hospital did appear. The trial court called the doctor to testify. The doctor proceeded to give a detailed account of Respondent's medical history. Respondent's counsel was allowed to cross-examine the doctor. Respondent was also allowed to testify.

¶ 5 Following the hearing, the trial court entered an order directing that Respondent be involuntarily committed for a period not to exceed thirty (30) days. Respondent appeals.¹

¹ Respondent's appeal is not moot even though her period of involuntary commitment has expired. *See In re Hatley*, 291 N.C. 693, 695, 231 S.E.2d 633, 635 (1977) ("The possibility that respondent's commitment in this case might likewise form the basis for a future

II. Analysis

¶ 6 On appeal, Respondent makes essentially two arguments.² First, Respondent argues that her due process rights were violated because the trial court took on the role of the State by calling the psychiatrist as a witness, as neither the State nor the hospital were represented by counsel.

¶ 7 For the reasons stated in the majority opinion and concurring opinion addressing the “Due Process Concerns” issue in *In re C.G.*, ___ N.C. App. ___, 2021-NCCOA-344, one of the other cases heard by this panel on 10 March 2021, we disagree.

¶ 8 Second, Respondent argues that certain findings made by the trial court were based on either incompetent evidence or no evidence.

¶ 9 Specifically, Respondent argues that certain findings were based on hearsay reports, matters about which the testifying doctor had no first-hand knowledge, depriving her counsel of any meaningful cross-examination. We note that our General Statutes provide that “[c]ertified copies of reports and findings of commitment examiners and previous and current medical records are admissible in evidence, but the respondent’s right to confront and cross-examine witnesses may not

commitment, along with other obvious collateral consequences, convinces us that this appeal is not moot.”).

² We grant Respondent’s Petition for Writ of Certiorari to consider these issues.

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be denied.” N.C. Gen. Stat. § 122C-268(f) (2020). We hold that Respondent has failed to preserve any argument concerning the admissibility of reports relied upon by the trial court and the testifying doctor in this matter, as she failed to object appropriately at the hearing.

¶ 10 We have reviewed the remaining evidentiary arguments and conclude that the unchallenged findings support the conclusions and order.

AFFIRMED.

Judge HAMPSON concurs.

Judge GRIFFIN dissents.

Report per Rule 30(e).

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GRIFFIN, Judge, dissenting.

¶ 11 I dissent from the majority opinion for the reasons stated in my dissenting opinion in *In re C.G.*, ___ N.C. App. ___, 2021-NCCOA-344, a companion case heard by this panel on 10 March 2021.