

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
DEPARTMENT OF SOCIAL AND)	No. 63791-6-I
HEALTH SERVICES, WESTERN)	
STATE HOSPITAL,)	DIVISION ONE
)	
Appellant,)	UNPUBLISHED OPINION
)	
v.)	
)	
LENORA CARLSTROM,)	
)	FILED: July 6, 2010
Respondent.)	

Grosse, J. — The Department of Social and Health Services (DSHS) appeals the trial court’s dismissal of its petition to involuntarily administer antipsychotic medication to Lenora Carlstrom, who was committed to Western State Hospital on a plea of not guilty by reason of insanity (NGRI) to second degree assault. Because Carlstrom has been unconditionally released from commitment under chapter 10.77 RCW, we can provide no effective relief and the appeal is therefore moot. Accordingly, we dismiss the appeal.

Lenora Carlstrom pleaded NGRI to second degree assault in 2001. She was committed to Western State Hospital under the custody and care of DSHS. Carlstrom was diagnosed with schizoaffective disorder, bipolar type. On May 3, 2009, Carlstrom refused to take her medication and became violent and uncooperative. Carlstrom also stopped eating solid foods.

Dr. Rolando Pasion, M.D., and Dr. Keri Waterland, Ph.D., filed a petition seeking a court order authorizing involuntary treatment with antipsychotic medication. DSHS was granted leave to intervene as a matter of right under CR 24(a)(2) on the grounds that it was responsible for providing care and treatment to Carlstrom.¹

The trial court found that the legislature had authorized superior courts to order involuntary treatment with antipsychotic medication to persons civilly committed pursuant to chapter 71.05 RCW, but had not done so for persons found NGRI. Accordingly, the court found it had no statutory authority to order involuntary treatment and dismissed the petition on July 1, 2009.

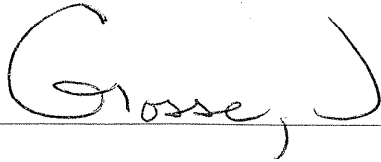
On July 9, 2009, DSHS appealed and filed a motion for accelerated review on the grounds that Carlstrom's physical and mental health continued to deteriorate. DSHS relied on the affidavit initially filed by Carlstrom's doctors. This court directed the parties to address the issue of appealability and the matter was subsequently briefed and set for oral argument. A subsequent affidavit from Carlstrom's doctors indicated that she had resumed taking medication and was eating.

On April 16, 2010, the trial court entered an order for unconditional release from commitment under chapter 10.77 RCW, because Carlstrom had been committed for the maximum term. "A case is moot if a court can no longer

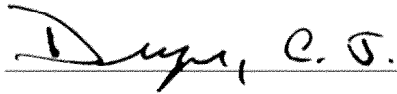
¹ Ch. 10.77 RCW provides for the civil commitment of insanity acquittees for the purpose of protecting the public and providing treatment. See, e.g., State v. Klein, 156 Wn.2d 102, 124 P.3d 644 (2005); State v. Reid, 144 Wn.2d 621, 30 P.3d 465 (2001).

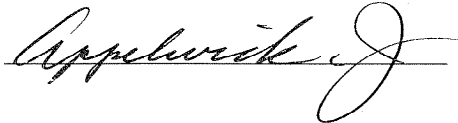
provide effective relief.”² Since Carlstrom is no longer under the care of DSHS under the authority of chapter 10.77 RCW, we cannot provide any remedy.

The appeal is dismissed.



WE CONCUR:





² Orwick v. City of Seattle, 103 Wn.2d 249, 253, 692 P.2d 793 (1984).