

DISTRICT OF COLUMBIA COURT OF APPEALS

Paz Cruz v. United States

Paz Cruz · No. No. 15-CM-1209 · Decided August 3, 2017

SUMMARY

The District of Columbia Court of Appeals vacated the trial court’s denial of Paz Cruz’s motion for treatment for alcoholism in lieu of prosecution under D.C. Code § 24-607(b). The court held that the record did not adequately show that the trial court exercised its discretion based on a firm factual foundation or properly considered the statutory requirements and available treatment options. The case was remanded for further consideration, without reversing Cruz’s conviction.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                     |
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| COURT                 | District of Columbia Court of Appeals                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Associate Judge Beckwith; Associate Judge Fisher; Associate Judge Easterly                                                                                                                                                                                                                                                          |
| JURISDICTION          | District of Columbia                                                                                                                                                                                                                                                                                                                |
| DECIDED               | August 3, 2017                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | No. 15-CM-1209                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | vacated                                                                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | Appeal from the Superior Court of the District of Columbia's denial of the appellant's motion for treatment for alcoholism in lieu of criminal prosecution under D.C. Code § 24-607(b).                                                                                                                                             |
| STANDARD OF REVIEW    | The court reviewed the discretionary decision for indicia of rationality and fairness, determining whether the trial court recognized and exercised its discretion, based its decision on a firm factual foundation, considered relevant factors, relied on proper factors, and acted within the range of permissible alternatives. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                                           |
| PARTIES               | Paz Cruz v. United States                                                                                                                                                                                                                                                                                                           |

TOPICS

- criminal procedure
- appellate procedure
- standard of review
- statutory interpretation
- health law

## PRACTICE AREAS

criminal law

criminal procedure

appellate litigation

alcoholism treatment and civil commitment

## QUESTIONS PRESENTED

1. Whether the trial court properly exercised its discretion in denying Cruz's motion for treatment in lieu of prosecution under D.C. Code § 24-607(b).
2. Whether the record provided a sufficient factual foundation and explanation for appellate review of the trial court's discretionary denial.
3. Whether outpatient treatment is legally permissible under D.C. Code § 24-607(b).
4. Whether denying Cruz an opportunity to present medical and other evidence supporting the statutory prerequisites was an erroneous exercise of discretion.

## HOLDINGS

1. Because § 24-607(b) uses the permissive term "may" and contains no contrary textual or legislative-history indication, the decision whether to grant treatment in lieu of prosecution is committed to the trial court's discretion.
2. The trial court's denial was an erroneous exercise of discretion because the record did not show the reasons for the decision, the factors considered, or a firm factual foundation supporting the denial.
3. Section 24-607(b) does not require inpatient commitment; outpatient commitment is legally permissible.
4. Denying the motion without adequate justification for refusing Cruz an opportunity to present medical and other evidence relevant to the statutory prerequisites was itself an erroneous exercise of discretion.

## KEY QUOTATIONS

*"Our standard of review thus reflects that although we accord the trial court substantial "latitude" in its exercise of discretion, this latitude comes with conditions: that the "court . . . take no shortcuts," that it "exercise its discretion with reference to all the necessary criteria," and that it explain its reasoning in sufficient detail to permit appellate review." (at 9)*

*"Denying Mr. Cruz a hearing without adequate justification—thus depriving him of an opportunity to present evidence relevant to the question whether he satisfied the statutory prerequisites for relief under § 24-607 (b) and relevant to the court's discretionary decision whether to grant such relief—was itself an erroneous exercise of discretion." (at 14)*

## FACTUAL BACKGROUND

Cruz was charged with simple assault and voluntarily sought treatment for chronic alcoholism in lieu of prosecution under D.C. Code § 24-607(b). He proffered that Pretrial Services had found him in need of treatment and recommended intensive outpatient treatment, and he identified the Addiction Prevention and Recovery Administration as a possible provider. The trial court denied the motion after a Pretrial Services officer stated that Cruz had previously declined recommended treatment, but the court did not explain the significance of that statement or address Cruz's request for a hearing and medical assessment.

## PROCEDURAL HISTORY

Paz Cruz, charged with simple assault, moved before trial for treatment in lieu of prosecution. The Superior Court denied the motion after hearing representations from counsel and a Pretrial Services Agency officer, and Cruz was later convicted in a bench trial and sentenced to ninety days' imprisonment, suspended as to all but five days. The District of Columbia Court of Appeals vacated the denial of the treatment motion and remanded for further consideration, without reversing the conviction.

## DISPOSITION

vacated

## REMAND INSTRUCTIONS

The Superior Court must reconsider Cruz's motion for treatment in lieu of prosecution, determine whether he still wants such treatment, develop an adequate factual record, address the statutory prerequisites including medical diagnosis and treatment availability, clarify the significance of the Pretrial Services representation, and explain its discretionary reasoning. If the court again denies the motion, it should state sufficient reasons; if it grants the motion, it must vacate Cruz's conviction and sentence and provide other appropriate relief.

## CASES CITED

- Oliver v. United States, 832 A.2d 153, 156 n.2 (D.C. 2003)
- Kaiser Found. Health Plan of Mid-Atl. States, Inc. v. Rose, 583 A.2d 156, 158 (D.C. 1990)
- Johnson v. United States, 398 A.2d 354, 362-65 (D.C. 1979)
- Richardson v. United States, 98 A.3d 178, 186 (D.C. 2014)
- Ibn-Tamas v. United States, 407 A.2d 626, 635 (D.C. 1979)
- Concord Enters., Inc. v. Binder, 710 A.2d 219, 224-25 (D.C. 1998)
- U.S. Fid. & Guarantee Co. v. Kaftarian, 520 A.2d 297, 300 (D.C. 1987)
- Henson v. United States, 122 A.3d 899, 902 (D.C. 2015)
- United States v. Cureton, Nos. M-11412-81 & M-11522-81, 110 D.W.L.R. 245, 250 (D.C. Super. Ct. Jan. 4, 1982)
- Dawkins v. United States, 41 A.3d 1265, 1272 (D.C. 2012)
- Johnson v. United States, 960 A.2d 281, 295 (D.C. 2008)

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