

COURT OF APPEAL OF THE STATE OF CALIFORNIA, FIFTH APPELLATE DISTRICT

People v. N.D.

F079695 · No. F079695 · Decided October 14, 2020

SUMMARY

The California Court of Appeal dismisses an appeal from a mental health commitment order under the Lanterman-Petris-Short Act because the order expired and the appeal is moot. The court also holds that Anders/Wende procedures are not required in such appeals, citing Conservatorship of Ben C.

CASE DETAILS

COURT	Court of Appeal of the State of California, Fifth Appellate District
WRITING FOR THE COURT	Levy, Acting P.J.; Peña, J.; Meehan, J.
JURISDICTION	California
DECIDED	October 14, 2020
DOCKET	F079695
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a judgment of the Superior Court of Kern County ordering N.D. to undergo additional treatment for up to 180 days under Welfare and Institutions Code section 5300. N.D. appealed, and appointed counsel filed an Anders/Wende brief requesting independent review. Respondent moved to dismiss the appeal as moot.
STANDARD OF REVIEW	Not applicable; the court addresses mootness and the applicability of Anders/Wende procedures.
PRECEDENTIAL VALUE	Unpublished
PARTIES	N.D. v. The People

TOPICS

- mootness
- appellate procedure
- health law

PRACTICE AREAS

- Mental Health Law
- Civil Commitment
- Appellate Practice

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed as moot because the 180-day commitment order expired before the opening brief was filed.
2. Whether the court should exercise discretion to conduct Anders/Wende review despite the holding in Conservatorship of Ben C.

HOLDINGS

1. The appeal is dismissed as moot because the 180-day commitment order expired before the opening brief was filed, so any ruling would have no practical impact.
2. The court declines to exercise its discretion to retain the appeal because the appeal is moot.

KEY QUOTATIONS

“A case is moot when any ruling by this court can have no practical impact or provide the parties effectual relief” (888)

“Nothing is served by requiring a written opinion when the court does not actually decide any contested issues.” (544)

FACTUAL BACKGROUND

N.D. has a history of mental health issues. On June 12, 2019, he was admitted to Kern Medical Center on an involuntary 72-hour hold under section 5150. On June 15, 2019, he was certified for an additional 14 days of treatment as a danger to himself and others and gravely disabled under section 5250. On June 27, 2019, Dr. David Weinstein petitioned for an order for additional treatment not to exceed 180 days under section 5300. After a three-day jury trial, the court found the conditions existed and ordered N.D. to undergo treatment for up to 180 days.

PROCEDURAL HISTORY

N.D. was involuntarily committed under section 5150, then certified for 14 days under section 5250, then a petition for 180-day treatment under section 5300 was filed. After a three-day jury trial, the court ordered the 180-day commitment. N.D. appealed. The commitment order expired on January 21, 2020, before the opening brief was filed in March 2020.

DISPOSITION

dismissed

CASES CITED

- Anders v. California (1967) 386 U.S. 738
- People v. Wende (1979) 25 Cal.3d 436
- Conservatorship of Ben C. (2007) 40 Cal.4th 529

- Woodward Park Homeowners Assn. v. Garreks, Inc. (2000) 77 Cal.App.4th 880

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