

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State ex rel. Riley v. Rudloff

212 W. Va. 767 (2002) · Decided December 6, 2002

SUMMARY

The West Virginia Supreme Court of Appeals considered whether West Virginia Code § 27-5-2(a), which barred applications for involuntary hospitalization of incarcerated persons, violated a pretrial detainee’s due process right to necessary medical care. The court applied the reasonable-relationship test for conditions of pretrial confinement and concluded that the categorical exclusion of pretrial detainees from the involuntary-hospitalization application process was not rationally related to a legitimate governmental objective. The court granted relief in prohibition as moulded.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Davis; Justice Starcher
JURISDICTION	West Virginia
DECIDED	December 6, 2002
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding initially filed as an emergency petition for writ of habeas corpus and/or mandamus. The court granted habeas relief directing transfer of Riley for psychiatric treatment, then treated the remaining issues as arising in prohibition.
STANDARD OF REVIEW	For a writ of prohibition challenging an alleged excess of legitimate powers, the court considers whether the petitioner lacks another adequate remedy, will suffer uncorrectable prejudice, the challenged action is clearly erroneous as a matter of law, the error is repeated or reflects persistent disregard of law, and the matter raises new and important issues. The factors are guidelines, and clear legal error receives substantial weight. The constitutional conditions-of-confinement claim was evaluated under the reasonable-relationship test of Bell v. Wolfish.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Appeals of West Virginia; precedential state appellate authority.

PARTIES

Jesse Riley v. Jerome Lovrien, Commissioner, West Virginia
Department of Health and Human Resources Bureau for Behavioral
Health and Health Facilities

TOPICS

due process substantive due process constitutional law statutory interpretation remedies

PRACTICE AREAS

constitutional law health law civil rights criminal procedure remedies statutory interpretation

QUESTIONS PRESENTED

1. Whether West Virginia Code § 27-5-2(a), insofar as it categorically excluded pretrial detainees from the application process for involuntary hospitalization, violated the due process protections of the Fourteenth Amendment and Article III, Section 10 of the West Virginia Constitution.
2. Whether a writ of prohibition was an appropriate remedy against the Commissioner's refusal to accept involuntary-hospitalization applications submitted on behalf of pretrial detainees.
3. Whether the statutory exclusion bore a reasonable relationship to a legitimate, nonpunitive governmental objective under the due process standard governing conditions of pretrial confinement.

HOLDINGS

1. West Virginia Code § 27-5-2(a) is unconstitutional insofar as its reference to incarcerated persons wholly excludes pretrial detainees in state custody from participating in the application process for involuntary hospitalization, because the exclusion violates their due process right to receive medical care.
2. A writ of prohibition is appropriate, as moulded, to prohibit the Commissioner from rejecting involuntary-hospitalization applications submitted on behalf of pretrial detainees solely because the detainees are incarcerated.
3. The plain language of West Virginia Code § 27-5-2(a) expressly excludes incarcerated persons from the application process, and the court must apply that language as written before determining its constitutionality.

KEY QUOTATIONS

“Thus, based upon our analysis, we are constrained to hold that insofar as the “incarcerated persons” language of W. Va. Code § 27-5-2(a) (2002) (Supp.2002) operates to wholly exclude pretrial detainees in state custody from participating in the application process for involuntary hospitalization, it is unconstitutional as it violates the due process right of such detainees to receive medical care.” (779)

“Writ granted as moulded.” (780)

FACTUAL BACKGROUND

Jesse Riley, a diagnosed paranoid schizophrenic, was arrested for domestic battery and obstructing an officer and held as a pretrial detainee at the Eastern Regional Jail. His mother and a jail-contracted psychologist attempted to initiate involuntary hospitalization proceedings after Riley exhibited bizarre behavior and was determined to be a threat to himself and others, but the Commissioner refused to accept the applications under West Virginia Code § 27-5-2(a)'s exclusion of incarcerated persons. Jail personnel determined that Riley required specialized psychiatric treatment unavailable at the jail, while the forensic treatment facility had a lengthy waiting list.

PROCEDURAL HISTORY

Riley, a pretrial detainee with severe mental illness, sought relief after state officials refused to accept applications for his involuntary hospitalization because he was incarcerated. The court initially granted a writ of habeas corpus directing his transfer to the custody of the Commissioner for treatment and issued a rule to show cause in mandamus. The court then treated the remaining dispute as a petition for prohibition and granted the writ as moulded.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Commissioner is prohibited from rejecting applications for involuntary hospitalization submitted on behalf of pretrial detainees solely because the detainees are incarcerated.

CASES CITED

- State ex rel. Conley v. Hill, 199 W. Va. 686, 487 S.E.2d 344 (1997)
- State ex rel. Ranger Fuel Corp. v. Lilly, 165 W. Va. 98, 267 S.E.2d 435 (1980)
- Carr v. Lambert, 179 W. Va. 277, 367 S.E.2d 225 (1988)
- State v. Hulbert, 209 W. Va. 217, 544 S.E.2d 919 (2001)
- State ex rel. Hoover v. Berger, 199 W. Va. 12, 483 S.E.2d 12 (1996)
- Olabisiomotosho v. City of Houston, 185 F.3d 521 (5th Cir. 1999)
- Bell v. Wolfish, 441 U.S. 520 (1979)
- Rush v. Wilder, 268 Neb. 910, 644 N.W.2d 151 (2002)
- Loe v. Armistead, 582 F.2d 1291 (4th Cir. 1978)
- Hare v. City of Corinth, 74 F.3d 633 (5th Cir. 1996) (en banc)
- Scott v. Moore, 114 F.3d 51 (5th Cir. 1997) (en banc)
- Fredericks v. Huggins, 711 F.2d 31 (4th Cir. 1983)
- Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963)
- Frake v. City of Chicago, 210 F.3d 779 (7th Cir. 2000)
- Duran v. Elrod, 542 F.2d 998 (7th Cir. 1976)
- Smith v. Copeland, 87 F.3d 265 (8th Cir. 1996)

- *Crockett v. Andrews*, 153 W. Va. 714, 172 S.E.2d 384 (1970)
- *Syncor International Corp. v. Palmer*, 208 W. Va. 658, 542 S.E.2d 479 (2001)
- *Charter Communications VI, PLLC v. Community Antenna Service, Inc.*, 211 W. Va. 71, 561 S.E.2d 793 (2002)
- *Estelle v. Gamble*, 429 U.S. 97 (1976)
- *Wideman v. Shallowford Community Hospital, Inc.*, 826 F.2d 1030 (11th Cir. 1987)
- *Gibson v. County of Washoe*, 290 F.3d 1175 (9th Cir. 2002)
- *Rodney v. Romano*, 814 F. Supp. 311 (E.D.N.Y. 1993)
- *Riddle v. Mondragon*, 83 F.3d 1197 (10th Cir. 1996)
- *Partridge v. Two Unknown Police Officers*, 791 F.2d 1182 (5th Cir. 1986)
- *Bowring v. Godwin*, 551 F.2d 44 (4th Cir. 1977)
- *Inmates of the Allegheny County Jail v. Pierce*, 612 F.2d 754 (3d Cir. 1979)
- *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189 (1989)
- *Hamm v. DeKalb County*, 774 F.2d 1567 (11th Cir. 1985), cert. denied, 475 U.S. 1096 (1986)
- *State ex rel. Appalachian Power Co. v. Gainer*, 149 W. Va. 740, 143 S.E.2d 351 (1965)
- *McCoy v. VanKirk*, 201 W. Va. 718, 500 S.E.2d 534 (1997)
- *Ray v. McCoy*, 174 W. Va. 1, 321 S.E.2d 90 (1984)
- *Appalachian Power Co. v. State Tax Department*, 195 W. Va. 573, 466 S.E.2d 424 (1995)
- *Rutherford v. City of Newport News*, 919 F. Supp. 885 (E.D. Va. 1996)