

NORTH DAKOTA SUPREME COURT

In the Matter of D.V.A.

2009 ND 75 · No. 20080319 · Decided April 30, 2009

SUMMARY

The North Dakota Supreme Court affirmed an order continuing D.V.A.’s commitment as a sexually dangerous individual. The court held that, absent a petition for discharge, D.V.A. had no right to a discharge hearing under N.D.C.C. § 25-03.3-18(2), and that the district court did not abuse its discretion by declining to hold a postcommitment hearing under § 25-03.3-17(4).

CASE DETAILS

COURT	North Dakota Supreme Court
WRITING FOR THE COURT	Dale V. Sandstrom, Justice; Dale V. Sandstrom; Daniel J. Crothers; Mary Muehlen Maring; Carol Ronning Kapsner; Gerald W. VandeWalle, C.J.
JURISDICTION	North Dakota
DECIDED	April 30, 2009
DOCKET	20080319
DISPOSITION	affirmed
PROCEDURAL POSTURE	D.V.A. appealed an order of the Burleigh County District Court continuing his commitment as a sexually dangerous individual, arguing that the court erred by failing to hold a hearing under N.D.C.C. § 25-03.3-18(2).
STANDARD OF REVIEW	A district court's decision whether to hold a hearing under N.D.C.C. § 25-03.3-17(4) is reviewed for abuse of discretion. Abuse of discretion occurs when the court acts arbitrarily, unreasonably, or unconscionably; when the decision is not the product of a rational mental process leading to a reasoned determination; or when the court misinterprets or misapplies the law.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion
PARTIES	D.V.A. v. Cynthia M. Feland

TOPICS

statutory interpretation

legislative history

standard of review

appellate procedure

civil procedure

PRACTICE AREAS

civil commitment

mental health law

appellate procedure

QUESTIONS PRESENTED

1. Whether D.V.A. had a statutory right to a discharge hearing under N.D.C.C. § 25-03.3-18(2) absent a petition for discharge.
2. Whether the district court abused its discretion under N.D.C.C. § 25-03.3-17(4) by declining to hold a postcommitment hearing.

HOLDINGS

1. In the absence of a petition for discharge, D.V.A. did not have a right to a discharge hearing under N.D.C.C. § 25-03.3-18(2).
2. The district court did not abuse its discretion by declining to hold a postcommitment hearing because both the state and independent evaluations concluded that D.V.A. continued to qualify as a sexually dangerous individual.

KEY QUOTATIONS

“We therefore conclude that in the absence of a petition for discharge, D.V.A. did not have a right to a discharge hearing under N.D.C.C. § 25-03.3-18(2), and that the district court did not abuse its discretion by not holding a postcommitment hearing under N.D.C.C. § 25-03.3-17(4).” (¶ 12)

FACTUAL BACKGROUND

D.V.A. had been committed as a sexually dangerous individual and underwent annual reevaluations. In 2008, the state hospital and an independent expert both concluded that he continued to meet the requirements for commitment. Although D.V.A. claimed he filed a petition for discharge in July 2008, the record contained no such petition, and the district court ordered continued commitment without holding a postcommitment hearing.

PROCEDURAL HISTORY

D.V.A. was committed as a sexually dangerous individual in 2003, and the North Dakota Supreme Court affirmed the original commitment order. After annual reevaluations and waivers or requests concerning discharge hearings, the district court ordered continued commitment in October 2008 based on the state hospital and independent evaluations. D.V.A. appealed, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Interest of D.V.A., 2004 ND 57, 676 N.W.2d 776
- State v. Moos, 2008 ND 228, ¶ 30, 758 N.W.2d 674

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