

SUPREME COURT OF CONNECTICUT

State v. March

265 Conn. 697 (2003) · Decided September 9, 2003

SUMMARY

The Connecticut Supreme Court affirmed the denial of Dawn March’s application for discharge from the jurisdiction of the Psychiatric Security Review Board. The court held that the applicable definitions of psychiatric disability and dangerousness were governed by the statutory and regulatory provisions concerning criminal acquittees, rather than the civil commitment standards. It further concluded that the trial court’s finding that March posed a danger to herself or others was not clearly erroneous and that continued confinement based on her current mental illness did not violate due process under *Foucha v. Louisiana*.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Sullivan, C. J.; Vertefeuille, J.; Katz, J.; Palmer, J.; Zarella, J.
JURISDICTION	Connecticut
DECIDED	September 9, 2003
DISPOSITION	affirmed
PROCEDURAL POSTURE	A criminal acquittee found not guilty of first-degree manslaughter by reason of mental disease or defect appealed from the trial court's denial of her application for discharge from the jurisdiction of the Psychiatric Security Review Board.
STANDARD OF REVIEW	Statutory interpretation is reviewed plenary. Factual findings, including the trial court's determination of dangerousness, are reviewed for clear error.
PRECEDENTIAL VALUE	binding
PARTIES	Dawn March v. State

TOPICS

- appellate procedure
- statutory interpretation
- standard of review
- substantive due process
- criminal procedure

PRACTICE AREAS

criminal law

mental health law

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. What definition of psychiatric disability and dangerousness governs an acquittee's application for discharge from the Psychiatric Security Review Board under General Statutes §§ 17a-580 and 17a-593?
2. Whether the trial court's finding that March posed a danger to herself or others was clearly erroneous.
3. Whether continued confinement based in part on March's current diagnosis of severe personality disorder, rather than the psychosis underlying her original acquittal, violated substantive due process or *Foucha v. Louisiana*.

HOLDINGS

1. The civil-commitment definitions in General Statutes § 17a-495 do not govern an acquittee's discharge proceeding under §§ 17a-580 and 17a-593. The applicable statutory scheme, together with the Psychiatric Security Review Board regulations, defines psychiatric disability by reference to mental illness or mental disease as defined in the current Diagnostic and Statistical Manual of Mental Disorders and defines danger to self or others as the risk of imminent physical injury, including risk to others' property.
2. The trial court's determination that March posed a danger to herself or others was a factual finding subject to clearly erroneous review, not de novo review. The finding was not clearly erroneous because the trial court reasonably relied on the board's unanimous determination after March violated conditional release, concealed her conduct, and refused a current psychological evaluation.
3. Continued confinement did not violate substantive due process merely because March's current diagnosis of severe personality disorder differed from the psychosis underlying her original acquittal. An acquittee may remain confined when the acquittee has a current mental illness that requires confinement for treatment and protection and that is sufficiently related to potential dangerousness; the current diagnosis need not be identical to the original diagnosis.

KEY QUOTATIONS

“Section 17a-581-2 (a) (6) of the Regulations of Connecticut State Agencies defines “ ‘[d]anger to self or to others,’ ” as used in General Statutes § 17a-580 (5), as “the risk of imminent physical injury to others or self,” including “the risk of loss or destruction of the property of others.” ” (709)

“As a result, the determination of dangerousness in the context of a mental status hearing reflects a societal rather than a medical judgment, in which the rights and needs of the defendant must be balanced against the security interests of society.” (712)

“The court explained that ‘[d]ue process requires that the nature of commitment bear some reasonable relation to the purpose for which the individual is committed.’ ” (715)

“It is not important that the mental illness that the acquittee is currently diagnosed with is different from the mental illness that led to his acquittal and confinement.” (716)

FACTUAL BACKGROUND

March was acquitted of first-degree manslaughter by reason of mental disease or defect after the trial court found that she had drowned her infant daughter while in a dissociative psychotic state. She was committed to the Psychiatric Security Review Board, later received conditional release, and lived with James Harvey despite his criminal history. After Harvey was incarcerated, March had extensive unauthorized telephone and in-person contact with him, initially denied that contact, and refused a psychological evaluation; the board revoked her conditional release and found that she would pose a danger to herself or others if supervised in the community.

PROCEDURAL HISTORY

March was committed to the jurisdiction of the Psychiatric Security Review Board for up to twenty years after her acquittal by reason of mental disease or defect. After a divided board report and a later unanimous revocation of her conditional release based on unauthorized contact with a convicted felon, the trial court found that she had not proved by a preponderance of the evidence that she was a person who should be discharged. The appeal was transferred from the Appellate Court to the Supreme Court of Connecticut, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Munroe v. Zoning Board of Appeals, 261 Conn. 263, 269, 802 A.2d 55 (2002)
- Katz v. Commissioner of Revenue Services, 234 Conn. 614, 623, 662 A.2d 762 (1995)
- Orkney v. Hanover Ins. Co., 248 Conn. 195, 204, 727 A.2d 700 (1999)
- State v. Putnoki, 200 Conn. 208, 219-21, 510 A.2d 1329 (1986)
- State v. Lafferty, 189 Conn. 360, 363, 456 A.2d 272 (1983)
- Waterbury v. Washington, 260 Conn. 506, 576, 800 A.2d 1102 (2002)
- Blitz v. Subklew, 74 Conn. App. 183, 186, 810 A.2d 841 (2002)
- State v. Jacob, 69 Conn. App. 666, 686-89, 798 A.2d 974 (2002)
- Foucha v. Louisiana, 504 U.S. 71, 75-85, 112 S. Ct. 1780, 118 L. Ed. 2d 437 (1992)
- Jones v. United States, 463 U.S. 354, 368, 103 S. Ct. 3043, 77 L. Ed. 2d 694 (1983)
- State v. Metz, 230 Conn. 400, 417-18, 425, 645 A.2d 965 (1994)
- Payne v. Fairfield Hills Hospital, 215 Conn. 675, 683-84, 578 A.2d 1025 (1990)

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