

72130-5

72130-5

NO. 72130-5-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

In re Detention of M.A.,
STATE OF WASHINGTON,

Respondent,

v.

M.A.,

Appellant.

COPY RECEIVED

OCT 15 2014

King County Prosecuting Attorney's Office
Criminal Division
Civil Commitment Unit

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

The Honorable Beth Andrus, Judge

BRIEF OF APPELLANT

JENNIFER WINKLER
Attorney for Appellant

NIELSEN, BROMAN & KOCH, PLLC
1908 E Madison Street
Seattle, WA 98122
(206) 623-2373



Handwritten signature of Jennifer Winkler and a faint circular stamp.

TABLE OF CONTENTS

| | Page |
|---|------|
| A. <u>ASSIGNMENTS OF ERROR</u> | 1 |
| <u>Issues Pertaining to Assignments of Error</u> | 1 |
| B. <u>STATEMENT OF THE CASE</u> | 2 |
| C. <u>ARGUMENT</u> | 5 |
| 1. WHERE THE STATE FAILED TO ALLEGE GRAVE DISABILITY IN THE COMMITMENT PETITION, THE COURT ERRED IN ENTERING A FINDING THAT M.A. WAS GRAVELY DISABLED..... | 5 |
| 2. THIS COURT SHOULD REJECT ANY ARGUMENT BY THE STATE THAT THE CASE IS MOOT..... | 10 |
| 3. COUNSEL PROVIDED INEFFECTIVE ASSISTANCE BY FAILNG TO OBJECT TO COMMITMENT ON THE GRAVE DISABILITY ALLEGATION DESPITE THE LACK OF NOTICE..... | 13 |
| D. <u>CONCLUSION</u> | 15 |

TABLE OF AUTHORITIES

| | Page |
|--|-------------|
| <u>WASHINGTON CASES</u> | |
| <u>Born v. Thompson</u> 154 Wn.2d 749, 117 P.3d 1098 (2005)..... | 10 |
| <u>Habeas Corpus of Monohan v. Burdman</u> 84 Wn.2d 922, 530 P.2d 334 (1975)..... | 10 |
| <u>In re Cross</u> 99 Wn.2d 373, 662 P.2d 828 (1983)..... | 5, 8, 9, 10 |
| <u>In re Dependency of A.M.M.</u> ___ Wn. App. ___, 332 P.3d 500, 2014 WL 3842977 (2014)..... | 6 |
| <u>In re Det. of T.A.H.-L.</u> 123 Wn. App. 172, 97 P.3d 767 (2004)..... | 9, 13 |
| <u>In re Detention of LaBelle</u> 107 Wn.2d 196, 728 P.2d 138 (1986)..... | 5, 6, 12 |
| <u>In re Detention of M.K.</u> 168 Wn. App. 621, 279 P.3d 897 (2012)..... | 10, 12, 15 |
| <u>In re Detention of R.H.</u> 178 Wn. App. 941, 316 P.3d 535 (2014)..... | 5 |
| <u>In re Meistrell</u> 47 Wn. App. 100, 733 P.2d 1004 (1987)..... | 12 |

TABLE OF AUTHORITIES (CONT'D)

| | Page |
|---|------|
| <u>Matter of J.S.</u> 124 Wn.2d 689, 880 P.2d 976 (1994)..... | 7 |
| <u>State v. Aho</u> 137 Wn.2d 736, 975 P.2d 512 (1999)..... | 13 |
| <u>State v. Maurice</u> 79 Wn. App. 544, 903 P.2d 514 (1995)..... | 14 |
| <u>State v. McFarland</u> 127 Wn.2d 322, 899 P.2d 1251 (1998)..... | 14 |

FEDERAL CASES

| | |
|--|----|
| <u>Roe v. Flores-Ortega</u> 528 U.S. 470, 120 S. Ct. 1029, 145 L. Ed. 2d 985 (2000)..... | 14 |
| <u>Strickland v. Washington</u> 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)..... | 13 |

RULES, STATUTES AND OTHER AUTHORITIES

| | |
|-------------------------------------|--------------|
| Laws of 2010, ch. 280, § 3..... | 12 |
| MPR 6.2..... | 7, 9 |
| RAP 2.5..... | 5 |
| Former RCW 71.05.290(2) (1975)..... | 8 |
| Former RCW 71.05.340(3) (1979)..... | 8 |
| RCW 71.05..... | 6, 9, 10, 13 |
| RCW 71.05.012..... | 11 |
| RCW 71.05.020..... | 2, 3, 4, 6 |

TABLE OF AUTHORITIES (CONT'D)

| | Page |
|---------------------|--------------|
| RCW 71.05.153 | 3 |
| RCW 71.05.230 | 2, 6, 7, 9 |
| RCW 71.05.240 | 2, 3, 11, 12 |
| RCW 71.05.245 | 11, 12, 15 |
| RCW 71.05.320 | 11 |
| RCW 71.05.360 | 5 |

A. ASSIGNMENTS OF ERROR

1. The superior court erred in committing the appellant for 14 days based in part on a finding of grave disability where the State did not allege grave disability in its commitment petition.¹

2. The appellant's counsel provided ineffective assistance by failing to object to a commitment ground not alleged in the petition.

3. The court erred in entering a finding of fact to the effect that the appellant was gravely disabled. CP 50.²

Issues Pertaining to Assignments of Error

1. The State filed a 14-day commitment petition alleging the appellant suffered from a mental disorder and, as a result, presented a substantial risk of serious harm to others or others' property. The petition contained only factual allegations in support of a risk of harm allegation. The court ultimately committed M.A. on that ground but also found she was "gravely disabled" under one of the two possible definitions of that term. Where the State did not allege either definition of grave disability in its petition, nor did it allege facts supporting such an allegation, should the court's grave disability finding be stricken?

¹ The 14-day petition is attached as Appendix A.

² The commitment order is attached as Appendix B.

2. Did the appellant's counsel provide ineffective assistance by failing to object to a hearing on, and a finding regarding, a commitment ground that was not alleged in the petition?

3. May this court consider these issues even though the 14-day order has expired, and the fact that M.A. was committed based on an additional ground?

B. STATEMENT OF THE CASE

On June 10, 2014, the State filed a petition to commit M.A. for 14 days of involuntary treatment in a secure facility. CP 21-24; RCW 71.05.230; RCW 71.05.240. M.A. came to the attention of authorities after she reportedly broke a motel room window. CP 2 (petition for initial detention). The 14-day petition alleged M.A. should be committed because she presented a substantial risk of harm to "others and/or others' property." CP 21; RCW 71.05.020(25)(a)(ii), (iii). The 14-day petition did not, however, allege she should be committed because she was gravely disabled. CP 21. The facts set forth in the petition referred only to the risk of harm allegation, recounting allegations M.A. had damaged property and was "combative" toward police during the incident. CP 22-23.

M.A. moved to dismiss the petition on the ground that the State had violated the deadlines under RCW 71.053.153.³ CP 29-41. The court denied the motion, RP 38-47, and a “probable cause” hearing was held under RCW 71.05.240. The State informed the court it was proceeding under both “harm to others” and grave disability under RCW 71.05.020(17)(b) (respondent manifests “severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over [her] actions and is not receiving such care as is essential for [her] health or safety”). RP 3, 48.

At the hearing, the court heard testimony from M.A.’s mental health case manager, a Harborview psychologist, and M.A. The court found the State proved both allegations. Specifically, the State had proved

³ RCW 71.05.153 provides in part that:

(3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility that has elected to operate as an involuntary facility by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours.

(4) Within three hours of arrival, the person must be examined by a mental health professional. Within twelve hours of arrival, the designated mental health professional must determine whether the individual meets detention criteria. If the individual is detained, the designated mental health professional shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. . . .

that M.A. suffered from a mental impairment that adversely affected her ability to control her impulses and to accurately perceive her surroundings. RP 111. The court found she had recently been physically aggressive to the case manager. Moreover, after being admitted to Harborview, she behaved threateningly toward staff and peers. RP 112. The court therefore found M.A. presented a substantial risk of harm to others. RP 111; CP 50.

The court also found M.A. was gravely disabled under RCW 71.05.020(17)(b). RP 112; CP 50. According to M.A.'s case manager, M.A.'s mental health had recently worsened, which led to poor impulse control, which in turn had led to a lost opportunity for housing. RP 112. As evidenced by M.A.'s disruptive behavior in court, M.A. was so symptomatic that, according to the court, she was unable to care for herself and would suffer harm if released. RP 113. The court also found a less restrictive alternative was not appropriate. RP 114. The court therefore committed M.A. for 14 days of inpatient treatment. CP 25-28.

M.A. timely appeals. CP 48-53.

C. ARGUMENT

1. WHERE THE STATE FAILED TO ALLEGE GRAVE DISABILITY IN THE COMMITMENT PETITION, THE COURT ERRED IN ENTERING A FINDING THAT M.A. WAS GRAVELY DISABLED.

The 14-day commitment petition did not contain an allegation that M.A. was gravely disabled. Nor did it contain factual allegations supporting grave disability. Because the petition lacked the notice required by statute and due process, this Court should reverse the finding of grave disability.

Involuntary commitment for mental disorders represents a significant deprivation of liberty requiring due process of law. In re Detention of LaBelle, 107 Wn.2d 196, 201, 728 P.2d 138 (1986); see RCW 71.05.360 (listing protected rights at involuntary commitment hearings, including 14-day commitment hearings). For similar reasons, statutes involving a deprivation of liberty, including 71.05 RCW, are to be strictly construed. In re Cross, 99 Wn.2d 373, 380, 382-83, 662 P.2d 828 (1983); In re Detention of R.H., 178 Wn. App. 941, 948, 316 P.3d 535 (2014).

M.A. may raise this issue for the first time on appeal. See RAP 2.5(a)(3) (error may be raised provided it is a “manifest error affecting a constitutional right”); In re Dependency of A.M.M., ___ Wn. App. ___,

332 P.3d 500, 2014 WL 3842977 at *7, *7 n. 8 (2014) (holding analogous notice violation, in the context of parental termination proceedings, could be raised for the first time on appeal).

An individual may be involuntarily committed for mental health treatment only if, as a result of a mental disorder, he either (1) poses a substantial risk of harm to himself, others, or the property of others, or (2) is gravely disabled. LaBelle, 107 Wn.2d at 201-02; RCW 71.05.020(17) (grave disability); RCW 71.05.020(25)(a) (“[I]ikelihood of serious harm”).

RCW 71.05.020(17) defines gravely disability as

a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for [her] essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over [her] actions and is not receiving such care as is essential for [her] health or safety.

Chapter 71.05 RCW sets forth procedures for detaining a person involuntarily for an additional 14 days following an initial 72-hour emergency detention. RCW 71.05.230 contains detailed provisions for petitioning for the additional treatment. The statute provides in part that a petition may only be filed if the certain conditions, including the following, are met:

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, *prior to the probable cause hearing*; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared

RCW 71.05.230 (emphasis added).

Under MPR 6.2,⁴ the petition described in RCW 71.05.230 should contain the following information:

(b) The name of the person alleged, as a result of mental disorder, to present a likelihood of serious harm to him/herself, others, or the property of others, or to be gravely disabled, and, if known to the petitioner, the address, age, sex, marital status and occupation of the person. Such person shall be denominated the respondent.

(c) The facts upon which the allegations of the petition are based.

(e) A statement that the professional staff of the evaluation and treatment facility has examined and analyzed respondent's condition and finds that as a result of mental disorder respondent presents a likelihood of serious harm to himself or others or is gravely disabled.

Moreover, MPR 6.2(j), which sets forth the form the petition should “substantially” take, directs the petitioner to list the specific allegations regarding the harm the respondent poses, or whether he is gravely disabled, and “[t]he facts upon which the allegations of this petition are based.”

⁴ For most purposes, court rules and statutes are treated identically. Matter of J.S., 124 Wn.2d 689, 697, 880 P.2d 976 (1994).

In Cross, the Court reversed an order revoking less restrictive placement because Cross was not provided notice of all alternative grounds on which revocation was sought. 99 Wn.2d at 385. According to the Court, the lack of notice violated Cross's "procedural rights" because it did not provide counsel sufficient notice to adequately prepare for the revocation hearing. Id. at 382, 384. Moreover, Cross was not given the notice required by statute, which provided that any person who is detained for revocation of conditional release or revocation of a less restrictive treatment order "shall have the same rights with respect to notice . . . as for an involuntary treatment proceeding." Former RCW 71.05.340(3) (1979). And in an original detention proceeding, various statutes required the State to provide the detainee a copy of the petition for detention, which must "summarize the facts which support the need for further confinement" and "describe in detail the behavior of the detained person which supports the petition." Cross, 99 Wn.2d at 382 (citing former RCW 71.05.290(2) (1975)). The Court therefore construed the revocation statute as requiring a statement of all alternative grounds on which revocation or modification was sought. Cross, 99 Wn.2d at 382-83.

Cross controls the result in this case. In so holding, Cross took as a given that a commitment petition must set forth specific facts and allegations supporting commitment. Here, as in Cross, the applicable

rules and statutes required such notice. MPR 6.2 requires the State to set forth in the 14-day petition the specific allegations, as well the factual basis, for commitment. RCW 71.05.230(5) requires that notice, in the form of such a petition, must be provided *before* the hearing. Correspondingly, subsection (6) of that statute requires that counsel be appointed prior to the hearing. A person detained under chapter 71.05 RCW has the right to effective assistance of prepared counsel at hearings under the chapter. In re Det. of T.A.H.-L., 123 Wn. App. 172, 179, 97 P.3d 767 (2004). A detained person cannot receive effective assistance if counsel is not advised of the basis for commitment, and the supporting facts, *before* the hearing. Had M.A., and her counsel, been given timely notice that the State sought to commit her based on grave disability, M.A. may have presented her case differently. Cross, 99 Wn.2d at 384.

In summary, the grave disability finding should be stricken, as M.A. was not provided sufficient notice of the allegation nor the specific facts supporting it. As explained below, moreover, the issue is not moot despite the expiration of the order and the alternative basis of commitment.

2. THIS COURT SHOULD REJECT ANY ARGUMENT BY THE STATE THAT THE CASE IS MOOT.

The order at issue in this case has expired, and the court later entered an agreed order committing M.A. to 90 days of “less restrictive” treatment. CP 54-61. Moreover, the superior court also committed M.A. based on the “harm to others” criterion. CP 50. M.A.’s appeal is, nevertheless, not moot.

An appeal is moot where it presents merely academic questions and where this court can no longer provide effective relief. In re Detention of M.K., 168 Wn. App. 621, 626, 279 P.3d 897 (2012) (citing Cross, 99 Wn.2d at 376-77). But release from detention does not render an appeal moot where collateral consequences flow from the determination authorizing such detention. M.K., 168 Wn. App. at 626 (citing Born v. Thompson, 154 Wn.2d 749, 762-64, 117 P.3d 1098 (2005); Habeas Corpus of Monohan v. Burdman, 84 Wn.2d 922, 925, 530 P.2d 334 (1975)).

Such is the case here. In evaluating petitions for civil commitment under chapter 71.05 RCW, the trial court is directed to consider, in part, a history of recent civil commitments. Each commitment order entered up to three years before the current commitment hearing becomes a part of the evidence against a person seeking denial of a petition for commitment.

See RCW 71.05.012 (“consideration of prior mental history is particularly relevant in determining whether the person would receive, if released, such care as is essential for his or her health or safety,” and “prior history of decompensation leading to repeated hospitalizations or law enforcement interventions should be given great weight in determining whether a new less restrictive alternative commitment should be ordered”); RCW 71.05.212(1)(d) (in evaluation by designated mental health professional, “consideration shall include all reasonably available information from credible witnesses and records regarding . . . [p]rior commitments under this chapter”); RCW 71.05.245 (““recent”” history of prior commitments “refers to the period of time not exceeding three years prior to the current hearing”).

A prior version of RCW 71.05.245 addressed only the trial court's use of a history of commitments based on “likelihood of serious harm” rather than grave disability. But the current version, effective in July 2014, also includes commitments based on grave disability.⁵ In addition,

⁵ Effective in July 2014, RCW 71.05.245 now provides:

(1) In making a determination of whether a person is gravely disabled or presents a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court must consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior.

well-established case law holds that commitments based on grave disability are relevant to later commitment determinations. M.K., 168 Wn. App. at 629 (citing LaBelle, 107 Wn.2d 196; In re Meistrell, 47 Wn. App. 100, 108, 733 P.2d 1004 (1987)).

(2) Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.

(3) In making a determination of whether there is a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court shall give great weight to any evidence before the court regarding whether the person has: (a) A recent history of one or more violent acts; or (b) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

For the purposes of this subsection “recent” refers to the period of time not exceeding three years prior to the current hearing.

RCW 71.05.245 (effective July 1, 2014); Laws of 2010, ch. 280, § 3 (inserting subsections 1 and 2).

M.A.'s appeal is not moot, despite the expired commitment period, and despite the fact that she was also committed under the "likelihood of serious harm" criterion.

3. COUNSEL PROVIDED INEFFECTIVE ASSISTANCE BY FAILING TO OBJECT TO COMMITMENT ON THE GRAVE DISABILITY ALLEGATION DESPITE THE LACK OF NOTICE.

Should this Court find the notice issue may not be raised for the first time on appeal, this Court should nonetheless strike the grave disability finding based on ineffective assistance of counsel. Counsel provide ineffective assistance by failing to object to the State's pursuit of commitment based on a ground, and facts, not alleged in the commitment petition.

A respondent in chapter 71.05 RCW proceedings has the right to effective assistance of counsel. T.A.H.-L., 123 Wn. App. at 179. To determine whether counsel was ineffective, this Court applies the familiar test set forth in Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). T.A.H.-L., 123 Wn. App. at 175, 181.

A defendant receives ineffective assistance when (1) counsel's performance is deficient, and (2) the deficient representation is prejudicial. Strickland, 466 U.S. at 687; State v. Aho, 137 Wn.2d 736, 745, 975 P.2d 512 (1999). Counsel's performance is deficient if it falls below an

objective standard of reasonableness. State v. Maurice, 79 Wn. App. 544, 551-52, 903 P.2d 514 (1995). Although an attorney's decisions are given deference, conduct for which there is no legitimate strategic or tactical reason is constitutionally inadequate. State v. McFarland, 127 Wn.2d 322, 335, 336, 899 P.2d 1251 (1998). Moreover, purportedly “tactical” or “strategic” decisions by counsel must still be reasonable. Roe v. Flores-Ortega, 528 U.S. 470, 481, 120 S. Ct. 1029, 145 L. Ed. 2d 985 (2000). In this case, counsel’s performance was both deficient and prejudicial.

Here, given the lack of notice, there was no reason to fail to object to the State’s “grave disability” allegation at the probable cause hearing. Simply put, counsel had no good reason to grant the State an additional means to pursue detention of his client. Rather, the lack of objection was likely an oversight. Correspondingly, there was no conceivable tactical reason to fail to object to the court’s *finding* of grave disability.

Next, counsel’s deficiency prejudiced M.A. in two ways. First, had counsel objected, the State would not have been permitted to proceed on the grave disability allegation at the probable cause hearing. Second, as discussed in the context of mootness, although the court also committed M.A. based on the conclusion (labeled a “finding”) that she posed a “likelihood of serious harm,” the grave disability “finding” may have future consequences distinct from the consequences flowing from the

court's harm finding. RCW 71.05.245(1), (2); M.K., 168 Wn. App. 629.

Because counsel provided ineffective assistance, M.A. is entitled to relief.

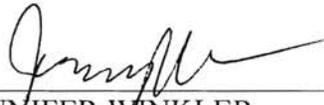
D. CONCLUSION

The appeal is not moot. This Court should strike the grave disability finding based on the notice violation and because counsel provided ineffective assistance in failing to object to commitment based on grave disability.

DATED this 15th day of October, 2014.

Respectfully submitted,

NIELSEN, BROMAN & KOCH, PLLC



JENNIFER WINKLER

WSBA No. 35220

Office ID No. 91051

Attorneys for Appellant

APPENDIX A

FILED

14 JUN 10 AM 9:00

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 14-6-01604-7 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

Harborview Medical Center,
PETITIONER

In Re: the Detention of:

M [REDACTED] A [REDACTED]
RESPONDENT

No. 14-6-01604-7-SEA

Petition for 14 Day Involuntary Treatment

Petitioner alleges that:

The undersigned members of the professional staff of Harborview Medical Center, an evaluation and treatment facility, have examined the respondent and find that:

Pursuant to RCW 71.05, respondent M [REDACTED] A [REDACTED] is suffering from a mental disorder defined as any organic, mental or emotional impairment which has substantial adverse effects on respondent's cognitive or volitional functions.

As a result of such mental disorder, respondent presents:

- a likelihood of serious harm to self, in that a substantial risk exists that physical harm will be inflicted by the respondent upon his/her own person as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self or;
- a likelihood of serious harm to others and/or others' property, in that a substantial risk exists that physical harm will be inflicted by respondent upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, and/or substantial risk that physical harm will be inflicted by the respondent upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others or;
- is gravely disabled in that respondent, as a result of a mental disorder, is in danger of serious physical harm, resulting from a failure or inability to provide for his/her essential human needs of health or safety and/or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his/her actions and is not receiving such care as is essential for his/her health or safety.

2

MELANIE AGER

No. 1A-6-01604-T 4ER

RESPONDENT

The facts that support this finding are (Note: include history, events leading to hospitalization, symptoms observed and evaluation of the patient in the facility and sources of information):

The respondent has symptoms consistent with Schizophrenia. He was brought to the hospital by police after throwing bricks at a nurse. She also became combative with police when they attempted to intervene.

Petitioners state that respondent has been advised of the need for voluntary treatment and respondent:



has not accepted.



is willing to accept, but the petitioners feel that respondent cannot accept in

good faith because _____

MELANIE AGEN

No. 1A-G-01604-7-9EA

RESPONDENT

Petitioners further state that:

there are no less restrictive alternatives to detention in the best interest of the respondent or others

because: Due to symptoms, the respondent
is at increased risk for harm
to others and property.

petitioners recommend the following less restrictive alternative treatment (Note: the proposed treating facility has been contacted and agreed to provide treatment):

Petitioner further states that respondent has been advised that involuntary commitment pursuant to this 14-day petition will result in the loss of firearm rights.

THEREFORE, the petitioner requests that a hearing be held to determine whether respondent shall be detained for fourteen days involuntary treatment or be ordered to ninety days less restrictive treatment.

I, Allison Osborn, PsyD, completed this petition after an examination of the respondent. I certify and declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Seattle, Washington, this 9 day of June, 2014.

Petitioner [Signature]

(M.D., Psychiatric ARNP, or Mental Health Professional)
Harborview Medical Center, 325 - Ninth Avenue, Seattle, WA 98104)

I, Shan Khan, have examined the respondent and I concur with the above petition. I certify and declare under penalty of perjury under the law of the State of Washington that the foregoing is true and correct.

Signed at Seattle, Washington, this 10 day of June, 2014.

Petitioner [Signature]

(M.D., Psychiatric ARNP, or Mental Health Professional)
Harborview Medical Center, 325 Ninth Avenue, Seattle, WA 98104)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

IN RE THE DETENTION OF:

M. A.

Respondent

)
)
)
)
)
)
)

No.14-6-01604-7-SEA

CERTIFICATION OF SERVICE

- I. Qualifications. At all times mentioned herein, I was over the age of eighteen years, not a party to the above entitled mental illness proceeding, not interested therein and competent to be a witness in said proceeding.
- II. Time, Place, and Manner. I personally served the above named respondent with a true copy of the petition for 14 day involuntary treatment in the above entitled and numbered mental illness proceeding on the 10 day of JUNE, 2014, by delivering to said respondent a true copy of said petition at Harboview Medical Center, Seattle, Washington.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated 6/10/2014 in Seattle, Washington.

(Signature)

ITA Coordinator
(Title)

APPENDIX B

FILED
14 JUN 11 AM 2:25

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 14-6-01604-7 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON COUNTY OF KING

In re the Detention of,

Case No. 14-6-01604-7 SEA

**FINDINGS OF FACT, CONCLUSIONS OR
LAW, AND ORDER COMMITTING
RESPONDENT FOR INVOLUNTARY
TREATMENT**

Michael A. [redacted]
Respondent

- 14-day commitment (ORDT14)
- 90-day commitment (ORDT90)
- 180-day commitment (ORDT180)
- 90-day LRA (ORDL90)
- 180-day LRA (ORDL180)
- _____ Amended

LRO Expires: _____

I. HEARING

THIS MATTER came before the Court for a hearing on the petition for 14 days of involuntary treatment. The Petitioner was represented by the undersigned Deputy Prosecuting Attorney for King County. The Respondent was represented by T. Honore.

- Respondent present
- After hearing completed

II. FINDINGS OF FACT

- RCW 71.05.240 Probable Cause Hearing. Petitioner has proven the following by a preponderance of the evidence:
 - Likelihood of Serious Harm. The Respondent, as a result of a mental disorder, presents a likelihood of serious harm
 - to others;
 - Gravely Disabled. The Respondent, as a result of a mental disorder, is gravely disabled under
 - Prong B.
 - Less Restrictive Alternative Treatment. Treatment in a less restrictive alternative setting than detention
 - is not in the best interest of the Respondent or others.

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III. CONCLUSIONS OF LAW

On the basis of the foregoing Findings of Fact and the records and files in this proceeding, the Court makes the following conclusions of law:

Jurisdiction. The Court has jurisdiction over the parties and subject matter of this mental illness proceeding; and

Involuntary Treatment. Respondent should

be detained for a period not to exceed 14 days from the date of judgment.

In addition to the above written findings and conclusions, the Court incorporates by reference the oral findings of fact and conclusions of law.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

Inpatient Treatment. The Respondent is detained and remanded into the custody of:

Harborview Hospital

for a further period of intensive treatment.

Escape and Recapture. Any Peace Officer shall, in case of the escape of the Respondent from the treatment facility named herein, apprehend, detain, and return the Respondent to said treatment facility or whichever evaluation and treatment facility a Designated Mental Health Professional for King County may designate.

Duration. The Respondent shall remain in treatment as specified above for a period not to exceed 14 days from the entry of this order.

Violation and Hospitalization. Except as required by other applicable law, contracts, or licensing requirements, this order does not obligate any provider named above to provide additional services to or reports regarding the Respondent. Neither the Regional Support Network nor the Designated Mental Health Professionals are required under the law or the terms of this order to monitor compliance with this order. However, if a treatment facility refers the Respondent to a Designated Mental Health Professional and it is thereby determined by the Designated Mental Health Professional that the Respondent is not abiding by the terms of this order or that substantial deterioration or decompensation in Respondent's functioning has occurred; or he/she poses a likelihood of serious harm, the Respondent may be detained at an evaluation and treatment facility. If the Respondent is so detained, a hearing shall be held within five days to address the allegations and determine whether this order should be modified or the Respondent be returned to an evaluation and treatment facility for intensive treatment for:

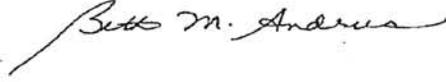
Firearms Possession Prohibited. Respondent shall immediately surrender any concealed pistol license and is prohibited from possessing, in any manner, a firearm as defined in RCW 9.41.010. The prohibition against your use or possession of a firearm remains in effect until a court restores your right to possess or use a firearm by court order under RCW 9.41.047.

Pursuant to an oral presence waiver, defense counsel provided Respondent with notice of the loss of the right to possess firearms.

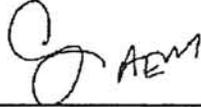
Notice to Department of Corrections. The Respondent is hereby notified (in person or through his/her counsel) that if he/she is, or becomes, subject to supervision by the Department of Corrections, he/she must notify his/her treatment provider, and his/her mental health treatment information must be shared with the Department of Corrections for the duration of his/her incarceration and supervision, under RCW 71.05.445; PROVIDED this order does not supersede any applicable federal privacy statute. The Respondent may petition for a finding of good cause that public safety would not be enhanced by the sharing of this information.

Other: The Court denied Respondent's 3/12 Hour Motion to Dismiss and incorporates the oral findings of fact and conclusions of law. The Respondent was removed from the courtroom during the Court's ruling due to her behavior so defense counsel shall advise the Respondent of her loss of the right to possess a firearm.

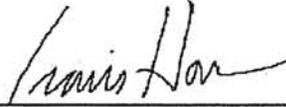
Done in Open Court: June 11, 2014



Beth Andrus
Judge / Commissioner



MIZUTA, ANNE ELIZABETH
Deputy Prosecuting Attorney, Bar # 31589



HONORE, TRAVIS
Attorney for Respondent, Bar # 42971

x

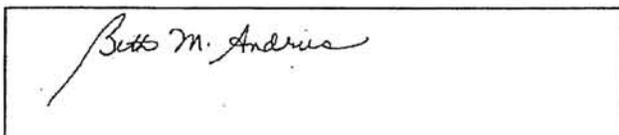
Respondent

King County Superior Court
Judicial Electronic Signature Page

Case Number: 14-6-01604-7
Case Title: IN RE M [REDACTED] A [REDACTED]

Document Title: MI - Adult Findings - Conclusions - Order Committing (14-6-01604-7)

Signed by Judge: Beth Andrus
Date: 6/11/2014 2:25:21 PM



Judge Beth Andrus

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: D92F76D12132FF531AF16720A721F097AC7A50B6

Certificate effective date: 7/29/2013 12:26:48 PM

Certificate expiry date: 7/29/2018 12:26:48 PM

Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA, O=KCDJA,
CN="Beth Andrus:dE53Hnr44hGmww04YYhwmw=="

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

| | | |
|---------------------------|---|-------------------|
| In re Detention of: M.A., |) | |
| |) | |
| STATE OF WASHINGTON |) | |
| |) | |
| Respondent, |) | |
| |) | |
| v. |) | COA NO. 72130-5-I |
| |) | |
| M.A., |) | |
| |) | |
| Appellant. |) | |

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 15TH DAY OF OCTOBER 2014, I CAUSED A TRUE AND CORRECT COPY OF THE **BRIEF OF APPELLANT** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY EMAIL AND/OR DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] M.A.
8854 TACOMA AVENUE S
TACOMA, WA 98444

SIGNED IN SEATTLE WASHINGTON, THIS 15TH DAY OF OCTOBER 2014.

X *Patrick Mayovsky*

APPELLANT'S SERVICE
STATE OF WASHINGTON
OCT 15 11:11:16