

IN RE N.A.

Submitted On Briefs September 28, 2015  
Decided November 5, 2015

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

N.A. appeals from an order of the Superior Court (Cumberland County, *Warren, J.*) affirming an order of involuntary commitment for a period not to exceed sixty days entered in the District Court (Portland, *Powers, J.*). N.A. challenges the sufficiency of the evidence supporting the court's findings made pursuant to the involuntary commitment statute, 34-B M.R.S. § 3864(6)(A) (2014).

It is undisputed that the District Court's involuntary commitment order expired before N.A. appealed to the Superior Court. Accordingly, the Superior Court considered whether N.A.'s appeal was moot and concluded that it was not because (1) this was N.A.'s first involuntary commitment and thus (2) the collateral consequences exception applied. *See In re Christopher H.*, 2011 ME 13, ¶ 11, 12 A.3d 64 (an appeal presents an exception to the mootness doctrine when "[s]ufficient collateral consequences will result from the determination of the questions presented so as to justify relief") (quotation marks omitted).

In his brief to this Court, N.A. addressed the mootness issue and argued that exceptions to the mootness doctrine apply. Because the State did not discuss the issue at all, we assume that it has conceded that this was N.A.'s first involuntary hospitalization. N.A. is thus exposed, at a minimum, to the collateral consequence of not being allowed to possess a firearm, *see* 15 M.R.S. § 393(1)(E)(1) (2014) and 18 U.S.C.S § 922(g)(4) (LEXIS through Pub. L. No. 114-67). Therefore, we review his appeal on the merits because the collateral consequences exception to

the mootness doctrine is present. *See In re Christopher H.*, 2011 ME 13, ¶ 13 n.2, 12 A.3d 64.

As to N.A.'s challenge to the sufficiency of the evidence, we conclude that there is competent evidence in the record to support the District Court's findings that N.A. was mentally ill; that his illness posed a likelihood of serious harm; that adequate community resources for the care and treatment of his mental illness were unavailable; that inpatient hospitalization was the best available means for treating him; and that Spring Harbor's treatment plan was satisfactory. *See* 34-B M.R.S. § 3864(6)(A). In addition, contrary to N.A.'s assertion, there is no evidence to indicate that the doctors who testified at the commitment hearing impermissibly relied on confidential records.

The entry is:

Judgment affirmed.

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**On the briefs:**

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appellant N.A.

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