

IN RE ISAIAH C.

Submitted on Briefs February 20, 2019
Decided March 5, 2019

Panel: ALEXANDER, MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Isaiah C. appeals from an order of the Superior Court (York County, *Douglas, J.*), acting as an intermediate appellate court, *see* 34-B M.R.S. § 3864(11) (2018), affirming the District Court's (Biddeford, *Driscoll, J.*) order of involuntary commitment.

Isaiah was involuntarily committed to inpatient hospitalization for a period not to exceed 120 days. At the time of this appeal, Isaiah was no longer involuntarily committed. Although his appeal could be considered moot, because this was Isaiah's first involuntary commitment he is subject to several collateral consequences that bring his appeal within the collateral consequences exception to the mootness doctrine. *See In re Walter R.*, 2004 ME 77, ¶¶ 8-11, 850 A.2d 346 (recognizing two collateral consequences in a first-time involuntary commitment order: (1) "if [the former patient] faces a second commitment proceeding, the term of commitment will be up to one year" and (2) "the prohibition against possessing a firearm."). Accordingly, we reach the merits of Isaiah's appeal.

Isaiah contends that there was insufficient evidence for the court to find, by clear and convincing evidence, that his mental illness posed a likelihood of serious harm. Further, Isaiah contends that there was insufficient evidence to support the court's finding that inpatient hospitalization was the best available means of treatment for him. We review the court's findings of fact for clear

error, and “will reverse a finding only if there is no competent evidence in the record to support it, if the factfinder clearly misapprehends the meaning of the evidence, or if the finding is so contrary to the credible evidence that it does not represent the truth and right of the case” *In re Henry B.*, 2017 ME 72, ¶ 18, 159 A.3d 824 (quotation marks omitted).

Contrary to Isaiah’s assertions, there is competent evidence in the record that supports the court’s finding that his mental illness posed a likelihood of serious harm. *See In re Kevin C.*, 2004 ME 76, ¶ 14, 850 A.2d 341. Additionally, there is competent evidence in the record that supports the court’s finding that inpatient hospitalization was the best available means of treatment for Isaiah. *See In re Marcial O.*, 1999 ME 64, ¶ 23, 728 A.2d 158. Although there was conflicting testimony between the two expert witnesses, we defer to the trial court’s determination of the witnesses’ credibility and its resolution of conflicts in testimony. *See Oliver v. E. Me. Med. Ctr.*, 2018 ME 123, ¶ 35, 193 A.3d 157. Accordingly, we discern no clear error, and we affirm the judgment.

The entry is:

Judgment affirmed.

Stephen H. Shea, Esq., Fairfield & Associates, P.A., Portland, for appellant Isaiah C.

Janet T. Mills, Attorney General, and Molly Moynihan, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services