NO. 4-10-0813 Order Filed 4/7/11

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: GREGORY P., a Person Found Subject to Involuntary Admission, THE PEOPLE OF THE STATE OF ILLINOIS, Petitioner-Appellee, v. GREGORY P., Respondent-Appellant.	)))))))	Appeal from Circuit Court of Macon County No. 10MH173 Honorable Katherine M. McCarthy, Judge Presiding.

JUSTICE McCULLOUGH delivered the judgment of the court.
Justices Turner and Steigmann concurred in the judgment.

ORDER

Held: Respondent's appeal is moot because it does not fall within one of the recognized exceptions to the mootness doctrine. Accordingly, we grant Legal Advocacy's motion to withdraw and dismiss respondent's appeal as moot.

This case comes to us on the motion of Legal Advocacy Service (Legal Advocacy), a division of the Illinois Guardianship and Advocacy Commission, to withdraw as counsel on appeal on the ground no meritorious issues can be raised in this case. For the reasons that follow, we find the case to be moot and dismiss the appeal.

On October 4, 2010, Louanne Krause, a nurse at St. Mary's Hospital, Decatur, Illinois, filed a petition for the involuntary admission of respondent, Gregory P., in the Macon County circuit court. The petition alleged respondent was

mentally ill and because of that illness (1) was reasonably expected to engage in conduct placing himself or another in physical harm; (2) was unable to provide for his basic physical needs so as to guard himself from serious harm without the assistance of others; (3) was unable to understand his need for treatment, and without treatment, was reasonably expected to suffer or continue to suffer mental or emotional deterioration to the point he was reasonably expected to engage in physical harm to himself or another or would be unable to provide for his basic physical needs, and (4) was in need of immediate hospitalization for the prevention of harm. Additionally, the petition stated respondent had rambling, rapid speech, had talked about "getting back at [his] brother," and admitted not taking his medication.

Following an October 8, 2010, hearing on the involuntary-admission petition, the trial court found respondent subject to involuntary admission under section 3-600 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/3-600 (West 2008)) and ordered hospitalization for a period not to exceed 90 days.

On October 13, 2010, respondent filed a notice to appeal the involuntary-admission order. The trial court appointed Legal Advocacy to represent him. On January 11, 2011, Legal Advocacy moved to withdraw as counsel under *Anders v. California*, 386 U.S. 738 (1967), on the ground no meritorious

issues could be raised in this case. The record shows service of motion on respondent. On its own motion, this court granted respondent leave to file additional points and authorities by February 18, 2011, but respondent has not done so. After examining the record and executing our duties consistent with *Anders*, we grant Legal Advocacy's motion and dismiss respondent's appeal as moot.

The trial court entered the commitment order on October 8, 2010, and limited the enforceability of the order to 90 days. The 90-day period has passed. As a result, this case is moot.

However, an issue raised in an otherwise moot appeal may be reviewed when (1) addressing the issues involved is in the public interest, (2) the case is capable of repetition, yet evades review, or (3) the respondent will potentially suffer collateral consequences as a result of the trial court's judgment. *In re Alfred H.H.*, 233 Ill. 2d 345, 355-61, 910 N.E.2d 74, 80-83 (2009).

The public-interest exception to the mootness doctrine allows a reviewing court to consider an otherwise moot case when (1) the question is of a public nature, (2) a need for an authoritative determination for the future guidance of public officials exists, and (3) the future recurrence of the question is likely. *Alfred H.H.*, 233 Ill. 2d at 355, 910 N.E.2d at 80. A question presented on review is not of a public nature if the question is

whether the evidence was sufficient to involuntarily commit a respondent. *Alfred H.H.*, 233 Ill. 2d at 356-57, 910 N.E.2d at 81.

Next, the capable-of-repetition-yet-evading-review exception applies when (1) the action is too short to be fully litigated before the underlying order expires, and (2) a reasonable expectation exists that the complaining party will be subject to an involuntary-commitment action again. *Alfred H.H.*, 233 Ill. 2d at 358, 910 N.E.2d at 82. It is unlikely a resolution of a sufficiency-of-the-evidence issue would have any impact on future involuntary-commitment proceedings because the future proceedings are based on the current condition of respondent's mental illness and a new evaluation of the respondent's mental state and conduct. *Alfred H.H.*, 233 Ill. 2d at 359-60, 910 N.E.2d at 82-83.

Last, the collateral-consequences exception applies when a respondent has suffered, or is threatened with, an actual injury traceable to the petitioner and will likely be redressed by a favorable judicial decision. *Alfred H.H.*, 233 Ill. 2d at 361, 910 N.E.2d at 83. However, the collateral-consequences exception will not apply when a respondent has previously been involuntarily committed because any collateral consequences have already attached as a result of the prior commitments. *Alfred H.H.*, 233 Ill. 2d at 362-63, 910 N.E.2d at 84.

Here, the only potential issue for review is whether the trial court's finding that respondent was a person subject to involuntary admission was against the manifest weight of the evidence. Because the only potential issue for review is a sufficiency-of-the-evidence challenge, neither the public-interest exception nor the capable-of-repetition-yet-evading-review exception applies.

Further, the collateral-consequences exception does not apply because respondent has been subject to "multiple involuntary admissions," as stated in the behavioral services multidisciplinary treatment plan and care guideline filed on October 8, 2010. Therefore, the collateral-consequences exception will not apply because collateral consequences have already attached as a result of respondent's prior involuntary commitments.

For the reasons stated, we grant Legal Advocacy's motion to withdraw and dismiss respondent's appeal as moot.

Appeal dismissed.