



held a hearing on the petition. Respondent's treating psychiatrist, Dr. Scott McCormick, testified respondent suffers from a manic depressive illness. On June 22, 2011, respondent threatened to poke himself in the neck with a pencil if he was not released from Advocate BroMenn Medical Center. Later that day, respondent threatened others at the hospital with a chair. As a result, hospital staff placed respondent in physical restraints for six to eight hours. Dr. McCormick testified when respondent first presented himself he said he had a plan to get his sister to drive him out to a mountain on August 24, 2011, so that he could jump off and commit suicide. Dr. McCormick testified he believed no less restrictive environment would be appropriate for respondent.

¶ 5 Respondent's sister, Deborah P., testified she had provided respondent care for several years and regularly attended respondent's monthly psychiatric appointments with him. On June 10, 2011, she brought respondent to the Chestnut Health Systems (Chestnut) facility in Bloomington, Illinois. While at Chestnut, respondent acted in such a manner requiring the police to remove him and take him to the Advocate BroMenn Hospital emergency room. On June 22, during a telephone conversation, respondent threatened to hurt somebody if Deborah did not come to see him by 5 p.m. Additionally, respondent previously cut himself and burned his chest with a cigarette. Deborah testified respondent was homeless, and she would not be capable of caring for respondent in her home.

¶ 6 Respondent testified and denied he had a substance abuse problem but admitted using illegal drugs. He admitted he threatened to harm himself and that he burned himself with a cigarette. Respondent agreed he was manic depressive.

¶ 7 After the hearing, the trial court, as relevant to this appeal, (1) found respondent

suffered from a mental illness, (2) found that respondent, unless treated on an inpatient basis, is likely to engage in conduct that places him or another in physical harm or reasonable expectation of being physically harmed, and (3) ordered him hospitalized in the Department of Human Services for a period not to exceed 90 days.

¶ 8 In January 2012, appointed counsel, Guardianship, moved to withdraw as counsel on appeal pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *In re Keller*, 138 Ill. App. 3d 746, 486 N.E.2d 291 (1985), asserting no justiciable issues warrant appeal. On August 6, 2012, we denied Guardianship's motion as we were unable to determine whether this case presented any justiciable issues. *In re Robert P.*, 2012 IL App (4th) 110636-U. In September 2012, Guardianship again moved to withdraw as counsel on appeal pursuant to *Anders*, including with its motion a brief in support. The record shows service of the motion on respondent. On our own motion, this court granted respondent leave to file additional points and authorities by November 8, 2012. He filed none. After examining the record in accordance with our duties under *Anders*, we grant Guardianship's motion to withdraw as counsel on appeal.

¶ 9 II. ANALYSIS

¶ 10 Guardianship contends the record shows no meritorious issues can be raised on appeal. Specifically, Guardianship contends no colorable argument can be made the trial court erred in involuntarily committing respondent. We agree.

¶ 11 A. Mootness

¶ 12 Previously, we concluded this appeal was not moot, even though the 90-day commitment has ended, because the record did not state whether respondent had previously been subject to involuntary commitment or medication. See *In re Alfred H.H.*, 233 Ill. 2d 345, 362-

63, 910 N.E.2d 74, 84 (2009) (collateral-consequences exception will not apply when a respondent has previously been involuntarily committed); *In re Joseph P.*, 406 Ill. App. 3d 341, 347, 943 N.E.2d 715, 720 (2010) (where a respondent has never been previously forcibly medicated or convicted of a felony, collateral consequences have never previously attached).

¶ 13 Guardianship contends that while the record contains information respondent had previous psychiatric admissions, the record does not indicate whether these admissions were involuntary. Our review of the record does not indicate whether respondent has ever been (1) convicted of a felony or (2) properly subject to an order for involuntary commitment or administration of medication.

¶ 14 Therefore, we conclude, based on the record, the collateral-consequences exception applies and address the merits.

¶ 15 B. Merits

¶ 16 Guardianship contends the trial court's finding respondent was subject to involuntary admission was not against the manifest weight of the evidence.

¶ 17 A trial court's decision in an involuntary-admission proceeding is given great deference and will not be set aside at the appellate level, unless it is against the manifest weight of the evidence. *In re Alfred H.*, 358 Ill. App. 3d 784, 788, 832 N.E.2d 964, 967 (2005). "A judgment is against the manifest weight of the evidence only when an opposite conclusion is apparent or when findings appear to be unreasonable, arbitrary, or not based on evidence." *Id.*

¶ 18 Pursuant to section 1-119(1) of the Code (405 ILCS 5/1-119(1) (West 2010)), a "[p]erson subject to involuntary admission on an inpatient basis" means:

"(1) A person with mental illness who because of his or her

illness is reasonably expected, unless treated on an inpatient basis, to engage in conduct placing such person or another in physical harm or in reasonable expectation of being physically harmed[.]"  
405 ILCS 5/1-119(1) (West 2010).

No respondent may be found subject to involuntary admission on an inpatient basis unless that finding is established by clear and convincing evidence. 405 ILCS 5/3-808 (West 2010).

¶ 19 Here, Dr. McCormick, respondent's treating psychiatrist, diagnosed respondent as suffering from manic depressive illness, a mental illness. McCormick testified respondent exhibited symptoms consistent with manic depressive illness such as loud and pressured speech, interpersonal intrusiveness, and extreme mood swings. McCormick testified that on June 22, 2011, respondent threatened to poke himself in the neck with a pencil and threatened others with a chair. Additionally, respondent told McCormick of his plan to have his sister assist him in committing suicide by jumping off a mountain. Respondent's sister testified he told her he would hurt someone if she did not come to visit. In his testimony, respondent admitted burning himself with a cigarette.

¶ 20 The trial court's finding that (1) respondent suffered from mental illness and (2) unless treated on an inpatient basis he was likely to engage in conduct placing himself or another in physical harm or reasonable expectation of being physically harmed is supported by the manifest weight of the evidence.

¶ 21 III. CONCLUSION

¶ 22 For the foregoing reasons, we grant Guardianship's motion to withdraw and affirm the trial court's judgment.

¶ 23 Affirmed.