

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-2050**

In the Matter of the Civil Commitment of Derek Marshall Siewert.

**Filed June 23, 2025
Affirmed
Bond, Judge**

Hennepin County District Court
File No. 27-MH-PR-24-1292

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(for appellant Derek Marshall Siewert)

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Considered and decided by Bond, Presiding Judge; Reyes, Judge; and Jesson,
Judge.*

NONPRECEDENTIAL OPINION

BOND, Judge

Appellant challenges his commitment as a person who poses a risk of harm due to mental illness under Minn. Stat. § 253B.09, subd. 1(a) (2024), arguing that the evidence is insufficient to support the district court's determination that he poses a substantial likelihood of physical harm to self or others based on (1) a failure to obtain adequate food,

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

clothing, shelter, or medical care and (2) a threat to physically harm others. Because clear and convincing evidence in the record supports the district court's findings and its determination to commit appellant as a person who poses a risk of harm due to mental illness, we affirm.

FACTS

On November 25, 2024, Abbott Northwestern Hospital petitioned the district court to civilly commit appellant Derek Marshall Siewert and to authorize the involuntary administration of neuroleptic medication for his treatment. Siewert is diagnosed with schizoaffective disorder. According to hospital records, Siewert presented to the emergency department on November 20, 2024. Earlier that day, Siewert left an appointment with his therapist in St. Louis Park and walked several hours through the snow to a restaurant in Golden Valley with no jacket. Hospital staff noted that Siewert's mother and case manager reported that Siewert had recently been having paranoid delusions that his mother was out to get him and was not who she claimed to be, and that he had recently commented that his mother "does not have long now" and "is on expired time." Staff further noted that Siewert had a decompensated mental-health disorder with concerns for self-harm and harm to others.

On November 22, Siewert was admitted to a different hospital. At that hospital, staff observed that Siewert appeared very symptomatic and was not taking his medications. Siewert had been on a previous civil commitment that had recently expired, and, since then, his mother was concerned that he was not taking his medications and was decompensating.

The district court held a hearing on the petitions on December 5. Siewert declined to attend, and the hearing proceeded in his absence. The district court received hospital records and records from Siewert's case manager, and it took judicial notice of a report from court-appointed examiner Dr. Elizabeth Barbo. In her report, Dr. Barbo opined that Siewert's condition posed a substantial likelihood of physical harm to self or others because, as a result of his impairment, he had failed to obtain necessary food, clothing, shelter, or medical care and he had made a recent attempt or threat to physically harm himself or others. Dr. Barbo's opinion was based on Siewert's threats toward his mother, walking a long distance without being appropriately dressed for the cold weather, and noncompliance with his medication regimen.

On December 9, the district court found that clear and convincing evidence established that Siewert, as a result of his impairment, poses a risk of harm due to mental illness under Minn. Stat. § 253B.02, subd. 17a (2024), because of a recent threat to physically harm himself or others and a failure to obtain necessary food, clothing, shelter, or medical care. The district court cited Siewert's "history of mental health issues, with increasing erratic behavior, threatening statements to family, and making decisions that could lead to self-harm," specifically referencing medical records noting Siewert "walking from St. Louis Park to Golden Valley without a coat on while it was snowing," and his noncompliance with his medication regimen and treatment. The district court ordered Siewert civilly committed.

Siewert appeals.

DECISION

Siewert challenges the district court's determination that he poses a substantial likelihood of physical harm to self or others due to his mental illness.¹ A district court may commit an individual if it "finds by clear and convincing evidence that the proposed patient is a person who poses a risk of harm due to mental illness" and that there is "no suitable alternative to judicial commitment." Minn. Stat. § 253B.09, subd. 1(a). Committing a person due to mental illness requires a determination that the person "poses a substantial likelihood of physical harm to self or others." Minn. Stat. § 253B.02, subd. 17a(a). A "substantial likelihood of physical harm to self or others" may be demonstrated by, as relevant here, "a failure to obtain necessary food, clothing, shelter, or medical care as a result of the impairment" or "a recent attempt or threat to physically harm self or others." *Id.*, subd. 17a(a)(1), (3).

On appeal from a district court's order of commitment, we examine whether the district court complied with the commitment statute and whether the district court's findings support its conclusions of law. *See In re Knops*, 536 N.W.2d 616, 620 (Minn. 1995). We view the evidence in the light most favorable to the district court's order and will not set aside findings of fact unless they are clearly erroneous. *Id.* "[F]indings are clearly erroneous when they are manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). We review de novo whether the record

¹ Siewert does not separately challenge the district court's order authorizing treatment by way of neuroleptic medication.

contains clear and convincing evidence supporting the district court’s conclusion that an individual has met the threshold to be committed. *In re Thulin*, 660 N.W.2d 140, 144 (Minn. App. 2003).

In a civil-commitment order, “the findings of fact and conclusions of law shall specifically state the proposed patient’s conduct which is a basis for determining that each of the requisites for commitment is met.” Minn. Stat. § 253B.09, subd. 2(a) (2024). “[W]e have often stressed the need for findings on each of the statutory requisites with a clear recitation of the evidence relied upon” by the district court in reaching its conclusions. *In re Danielson*, 398 N.W.2d 32, 37 (Minn. App. 1986). A commitment order is insufficient if it contains mere recitations of evidence, conclusory findings, or findings “not meaningfully tied to conclusions of law.” *In re Civ. Commitment of Spicer*, 853 N.W.2d 803, 810-11 (Minn. App. 2014).

Siewert argues that the district court’s findings and the record do not support the conclusion that he poses a substantial risk of harm to self or others based on (1) a failure to obtain adequate food, clothing, shelter, or medical care as a result of his impairment and (2) a recent attempt or threat to physically harm himself or others. We address each argument in turn.

A. The district court’s determination that Siewert failed to obtain necessary food, clothing, shelter, or medical care as a result of his impairment is supported by its findings and clear and convincing evidence in the record.

Siewert first asserts that the district court’s determination that he poses a substantial likelihood of harm to self or others based on a failure to obtain necessary food, clothing,

shelter, or medical care as a result of his impairment is not supported by the district court's findings or the record.² We disagree.

The district court found that Siewert “made decisions that could lead to self-harm, which included walking from St. Louis Park to Golden Valley without a coat on while it was snowing.” The district court also found that Siewert “was not compliant with medications and denied any mental health symptoms.” The court based each of these findings on notes from Siewert's medical providers, and the record contains many references to the incident in which Siewert walked from St. Louis Park to Golden Valley in the snow without appropriate clothing after leaving his therapist's office extremely symptomatic.³ We conclude that clear and convincing evidence in the record supports the district court's findings and its determination that Siewert posed a substantial likelihood of physical harm to himself because of a failure to obtain necessary clothing.

² The district court did not specify whether it based its conclusion on Siewert's failure to obtain clothing or medical care, but either is sufficient. *See* Minn. Stat. § 253B.02, subd. 17a(a)(1)-(4) (using the word “or” between factors); *State v. Loge*, 608 N.W.2d 152, 155 (Minn. 2000) (“[I]n the absence of some ambiguity surrounding the legislature's use of the word ‘or,’ we will read it in the disjunctive and require that only one of the possible factual situations be present in order for the statute to be satisfied.”).

³ We note that the district court's findings consist of recitations of medical providers' notes and the examiner's report. “[I]t is insufficient for a district court to merely recite or summarize excerpted portions of testimony of the witnesses without commenting independently upon either their opinions or the foundation for their opinions or the relative credibility of the various witnesses.” *Spicer*, 853 N.W.2d at 810 (quotation omitted). However, we may infer a district court's credibility findings based on its resolution of an issue. *See Umphlett v. Comm'r of Pub. Safety*, 533 N.W.2d 636, 639 (Minn. App. 1995). Because the district court's findings regarding the medical providers' notes and the examiner's report can be directly tied to its conclusions, we infer that it found those notes and the report credible.

The district court's findings and the record also support its determination that Siewert failed to obtain necessary medical care as a result of his impairment. The district court found specific instances in which Siewert refused medical care, was medication noncompliant, and denied having mental-health symptoms. Those findings are supported by the record. Siewert argues that there are "reasonable explanation[s]" for his refusal to take certain medications, but, under the clear-error standard, we do not reweigh evidence. *Kenney*, 963 N.W.2d at 222-223 (explaining that the clear-error standard of review "is a review of the record to confirm that evidence exists to support the decision" and "[w]hen the record reasonably supports the findings at issue on appeal, it is immaterial that the record might also provide a reasonable basis for inferences and findings to the contrary" (quotation omitted)). The district court's determination that Siewert posed a substantial likelihood of physical harm to himself because of a failure to obtain medical care is supported by its findings and clear and convincing evidence in the record.

B. The district court's determination that Siewert made a recent attempt or threat to physically harm others is supported by its findings and clear and convincing evidence in the record.

Siewert next challenges the district court's determination that he poses a risk of harm due to mental illness because of a recent attempt or threat to physically harm himself or others, arguing that it is unsupported by the district court's findings or the record. Again, we disagree.

The district court found that Siewert had recently engaged in "increasing erratic behavior" and made "threatening statements to family." The hospital records show that Siewert made threatening statements toward his mother that can reasonably be construed

as physical threats—for example, he stated that she “does not have long now” and “is on expired time.” The medical records relied on by the district court connect Siewert’s threatening statements to his deteriorating mental health, noting Siewert’s recent paranoid delusions that his mother is out to get him and is not who she claims to be. Siewert claims that his statements about his mother are too vague to constitute true threats. But, as we have explained, weighing the evidence is a task reserved to the district court. *Kenney*, 963 N.W.2d at 223. The clear-error standard “is a review of the record to confirm that evidence exists to support the decision.” *Id.* at 222. Applying the clear-error standard here, we conclude that the record supports the district court’s findings and its determination that Siewert posed a substantial likelihood of physical harm based on a recent threat to physically harm his mother.

We agree with Siewert that the district court’s findings could have been more robust. But the district court’s findings are sufficiently detailed and are meaningfully tied to the court’s legal conclusions. *Spicer*, 853 N.W.2d at 810-11 (stating that a commitment order is insufficient if it contains mere recitations of evidence, conclusory findings, or findings “not meaningfully tied to conclusions of law”). Therefore, clear and convincing evidence in the record supports the district court’s determination that Siewert meets the statutory criteria for civil commitment as a person who poses a risk of harm due to mental illness.

Affirmed.