STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0073

In the Matter of the Civil Commitment of: Mustaf Nur Jama.

Filed June 30, 2025
Affirmed
Larson, Judge

Hennepin County District Court
File No. 27-MH-PR-24-1322

Gabe Monson, Hennepin County Adult Representation Services, Minneapolis, Minnesota (for appellant Mustaf Nur Jama)

Mary F. Moriarty, Hennepin County Attorney, Annsara Lovejoy Elasky, Assistant County Attorney, Minneapolis, Minnesota (for respondent Abbott Northwestern Hospital)

Considered and decided by Larson, Presiding Judge; Bentley, Judge; and Kirk, Judge.*

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Mustaf Nur Jama appeals a district court order civilly committing him as a person who poses a risk of harm due to a mental illness. Jama argues the district court erred when it determined that he had recently attempted or threatened to physically harm himself or others. *See* Minn. Stat. § 253B.02, subd. 17a(a)(3) (2024). We affirm.

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

FACTS

In December 2024, Hennepin County Community Outreach for Psychiatric Emergencies assessed Jama, determined that he was experiencing psychosis, and transported him to respondent Abbott Northwestern Hospital (Abbott) where he was placed on an emergency hold.

Jama petitioned the district court for release from the emergency hold. Abbott petitioned the district court to civilly commit Jama and authorize neuroleptic medications. The district court denied Jama's petition. The district court scheduled a psychiatric evaluation and preliminary hearing and directed that the emergency hold continue during these proceedings. After the preliminary hearing, the district court scheduled a commitment hearing. At the commitment hearing, the district court heard testimony from Jama and his psychiatrist. The district court also took judicial notice of Jama's psychiatric evaluation. The psychiatric evaluation diagnosed Jama with a mental illness, opined that Jama met the criteria for commitment, and recommended neuroleptic medications.

The district court thereafter filed an order civilly committing Jama as a person who poses a risk of harm due to mental illness, concluding that Jama posed a substantial likelihood of harm to himself or others. The district court also filed an order authorizing neuroleptic medications.

Jama appeals.

DECISION

Jama appeals the district court's order for commitment.[1] Specifically, Jama challenges the district court's determination that he recently attempted or threatened to physically harm himself or others.[2]

A district court may civilly 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) (2024). A person "poses a risk of harm due to mental illness" if they have "an organic disorder of the brain or a substantial psychiatric disorder of thought, mood, perception, orientation, or memory"[3] and, as a result of their condition, "poses a substantial likelihood of physical harm to self or others." Minn. Stat. § 253B.02, subd. 17a(a) (2024). A "substantial likelihood of physical harm to self or others" may be

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[1] Jama also appealed the order authorizing neuroleptic medications but does not raise any argument challenging that order in his brief. Inadequately briefed issues are not properly before this court. *Melina v. Chaplin*, 327 N.W.2d 19, 20 (Minn. 1982).

[2] Jama also challenges the district court's conclusion that he failed "to obtain necessary food, clothing, shelter, or medical care as a result of [his] impairment." *See* Minn. Stat. § 253B.02, subd. 17a(a)(1) (2024). Because we may affirm the district court's commitment order solely on the basis that Jama recently attempted or threatened to physically harm himself or others, we decline to reach this issue. *See id.*, subd. 17a(a)(1)-(4) (2024) (listing four circumstances demonstrating that a person "poses a substantial likelihood of physical harm to self or others" and using the word "or"); *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] Jama admits that he "ha[s] a mental illness" and does not challenge that required element on appeal.

"demonstrated by," as relevant here, "a recent attempt or threat to physically harm self or others." *Id.*, subd. 17a(a)(3).

When reviewing a civil-commitment order, we examine whether the district court complied with the commitment statute and whether the district court's factual findings support its legal conclusions. *In re Knops*, 536 N.W.2d 616, 620 (Minn. 1995). We do not set aside factual findings 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). When reviewing for clear error, we (1) view the evidence in the light most favorable to the findings; (2) do not find our own facts; (3) do not reweigh the evidence; and (4) do not "reconcile conflicting evidence." *Id.* at 221-22 (quotation omitted). Thus, we

> need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court. Rather, because the factfinder has the primary responsibility of determining the fact issues and the advantage of observing the witnesses in view of all the circumstances surrounding the entire proceeding, [our] duty is fully performed after [we have] fairly considered all the evidence and [have] determined that the evidence reasonably supports the decision.

Id. at 222 (quotations and citation omitted). "We review de novo whether there is clear and convincing evidence in the record to support the district court's conclusion that an [individual] meets the standards for commitment." *In re Thulin*, 660 N.W.2d 140, 144 (Minn. App. 2003).

Jama asserts that the district court erred when it determined that he had recently attempted or threatened to physically harm himself or others. He argues that its findings to support this conclusion are based solely on unreliable hearsay evidence. At a commitment hearing, the district court "may admit all relevant, reliable evidence, including but not limited to the respondent's medical records, without requiring foundation witnesses." Minn. Spec. R. Commit. & Treat. Act 15. The district court also "shall admit all relevant evidence" and "make its determination upon the entire record pursuant to the Rules of Evidence." Minn. Stat. § 253B.08, subd. 7 (2024). We have interpreted these provisions to allow the district court to admit relevant, reliable hearsay evidence in commitment proceedings. *See In re Civ. Commitment of Williams*, 735 N.W.2d 727, 730-32 (Minn. App. 2007), *rev. denied* (Minn. Sept. 26, 2007). Hearsay is an out-of-court statement offered "to prove the truth of the matter asserted." *See* Minn. R. Evid. 801(c). Indicia that a hearsay statement is reliable include temporal proximity between the hearsay statement and the event, and whether the statement is a first-hand account. *See Williams*, 735 N.W.2d. at 732.

In support of his argument, Jama likens this case to our nonprecedential decision *In re Civil Commitment of Jackman*. No. A18-0890, 2018 WL 6273116 (Minn. App. Dec. 3, 2018).[4] There, the district court received exhibits offered by the county over the appellant's hearsay objection at a commitment hearing. *Id.* at *1. The exhibits contained information that an unknown source relayed to the appellant's sister-in-law, who relayed the

[4] This case is nonprecedential and, therefore, not binding. We cite nonprecedential cases as persuasive authority only. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

information to the Dakota County Crisis Unit, who relayed the information to the Hennepin County Medical Center. *Id.* The district court did not make any reliability findings as to the hearsay in the exhibits. *Id.* at *2. On appeal, the appellant argued the district court erred when it admitted the hearsay. *Id.* We agreed that "the hearsay statements present[ed] significant reliability questions" given that "they came from an unknown source and were then relayed through several people." *Id.* We also noted that the appellant's sister-in-law did not testify to add context to the hearsay statements and that the appellant's testimony suggested the hearsay statements exaggerated his conduct. *Id.* After removing the findings that solely relied on the hearsay statements, we determined that the remaining findings were insufficient to support the appellant's commitment and, accordingly, reversed and remanded for reliability findings. *Id.* at *3-4.

We conclude this case is distinguishable from *Jackman*. Unlike *Jackman*, the district court did not rely solely on the challenged hearsay statements to conclude that Jama recently threatened to physically harm others.[5] Instead, the record shows the district court also relied on Jama's sister's report that she observed Jama exhibiting threatening behaviors toward their brothers. The psychiatrist who performed Jama's psychiatric evaluation relied on these behaviors in making her recommendation. And the district court found the recommendation to be persuasive, specifically noting that "[Jama's] family

[5] We note that Jama's confidential medical records are relevant here, as they contain the hearsay statements that Jama challenges. *See* Minn. R. Pub. Access to Recs. of Jud. Branch 4, subd. 1(f) (providing that medical records in civil commitment proceeding are not publicly accessible). While we need not disclose the confidential information contained in Jama's medical records, we have fully reviewed and considered those documents.

reported that [Jama] has been exhibiting threatening behaviors toward his family members."

Jama does not challenge the district court's finding as to the threatening behaviors he exhibited toward his brothers. And we are satisfied that the record supports this finding. *See Wilson v. Moline*, 47 N.W.2d 865, 870 (Minn. 1951) (stating that function of "an appellate court does not require [it] to discuss and review in detail the evidence for the purpose of determining that it supports the [district] court's findings," and that an appellate court performs its duty when it "consider[s] all the evidence . . . and determine[s] that it reasonably supports the findings"); *Cook v. Arimitsu*, 907 N.W.2d 233, 240 n.3 (Minn. App. 2018) (applying this aspect of *Wilson*), *rev. denied* (Minn. Apr. 17, 2018). Moreover, unlike the third-hand accounts in *Jackman*, Jama's sister observed these threatening behaviors first-hand. Thus, even if we remove the findings that Jama challenges, there is still evidence to sustain the district court's finding that Jama recently threatened physical harm to others.

Accordingly, we affirm the district court's order for commitment.

Affirmed.