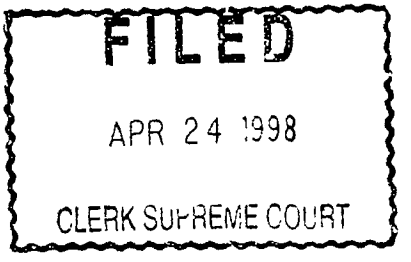
IN THE COURT OF APPEALS OF IOWA

No. 8-088 / 97-0565
Filed April 24, 1998



IN THE MATTER OF D.A.B.,
Alleged to be Seriously Mentally Impaired,
Appellant.

Appeal from the Iowa District Court for Des Moines County, David B. Hendrickson, Judge.

Respondent appeals the district court's order finding him seriously mentally impaired. **AFFIRMED.**

Ronald D. Ellerhoff, Burlington, for appellant.

Thomas J. Miller, Attorney General, and Stephen C. Robinson, Assistant Attorney General, for appellee-State.

Considered by Cady, C.J., and Huitink and Streit, JJ.

HUITINK, J.

D.A.B. was involuntarily committed to a mental health institute by a judicial hospitalization referee. This decision was affirmed by the district court. He now appeals claiming there was insufficient evidence to support the hospitalization. We affirm on appeal.

On February 24, 1997, D.A.B.'s parents filed an application alleging D.A.B. was seriously mentally impaired. The affidavit stated D.A.B. was showing signs of paranoia and had carried a crowbar to protect himself. Dr. Prasad Mikkilineni diagnosed D.A.B. with a delusional disorder, paranoid type, and a schizoid personality disorder. D.A.B. asked for a second opinion. Dr. Vijaya Boppana examined D.A.B. and gave a similar diagnosis.

D.A.B. agreed to treatment, and the judicial hospitalization referee committed him to a residential care facility. On March 10, 1997, D.A.B. escaped from the facility by knocking down a social worker. Police officers attempted to stop D.A.B., but he attempted to run. D.A.B. was forcibly subdued with mace and placed in the county jail. D.A.B. refused to take anti-psychotic medication.

At the district court hearing, Dr. Devi Mikkilineni, who was familiar with D.A.B.'s case, testified D.A.B. was a danger to himself and was not able to make appropriate decisions about his treatment. D.A.B.'s parents testified D.A.B. believed people were breaking into his home and he needed to protect himself. The district

court concluded D.A.B. was seriously mentally impaired. D.A.B. was committed to a mental health institute for treatment. He has appealed.

Under Iowa Code section 229.12(3), commitment is not warranted unless the elements of serious mental impairment are proven by clear and convincing evidence. *In re Oseing,* 296 N.W.2d 797, 799 (Iowa 1980). The district court's findings of fact have the effect of a special verdict and will be upheld if there is substantial evidence to support them. *In re Mohr,* 383 N.W.2d 539, 541 (Iowa 1986).

D.A.B. contends there was insufficient evidence to show he was a danger to himself or others. In order to find a person is likely to inflict injury on himself or others, the court must make a predictive judgment. *In re Foster,* 426 N.W.2d 374, 376 (Iowa 1988). Evidence to support that judgment must come in the form of a recent overt act, attempt, or threat. *Id.*

We find there was substantial evidence in the record to support the district court's decision. D.A.B. had engaged in recent acts which could have caused harm to himself and others. He had been armed with a crowbar because he felt he needed to protect himself. He knocked down a social worker while escaping from a care facility. He resisted police officers and had to be subdued with mace.

We affirm the decision of the district court.

AFFIRMED.