

**IN THE COURT OF APPEALS OF IOWA**

No. 3-525 / 12-2046  
Filed July 10, 2013

**IN RE I.E.J.,**  
Alleged to Be Seriously Mentally Impaired,

**I.E.J.,**  
Respondent-Appellant.

---

Appeal from the Iowa District Court for Johnson County, Stephen B. Jackson Jr., Judge.

I.E.J. appeals from a district court order requiring hospitalization due to serious mental impairment. **AFFIRMED.**

Willie E. Townsend, Coralville, for appellant.

Thomas J. Miller, Attorney General, Gretchen Witte Kraemer, Assistant Attorney General, Janet M. Lyness, County Attorney, and Jude Pannell, Assistant County Attorney, for State.

Considered by Doyle, P.J., and Danilson and Mullins, JJ.

**DOYLE, P.J.**

I.E.J. appeals the district court's order finding him to be seriously mentally impaired. We affirm.

***I. Background Facts and Proceedings.***

I.E.J. is currently serving a life sentence in the Iowa prison system. I.E.J. was committed to a mental health institute for evaluation after cutting another inmate's neck with a razor. I.E.J. was subsequently diagnosed as having a persecutory type delusional disorder, a mental illness under the DSM IV. I.E.J.'s commitment was ordered to continue fulltime in June 2012.

In August 2012, a periodic report concerning I.E.J.'s commitment was filed pursuant to Iowa Code section 229.15(2) (2011). In the report, I.E.J.'s treating physician opined that I.E.J.'s condition remained unchanged. Additionally, he concluded I.E.J. was seriously mentally impaired and in need of full-time custody and care, but I.E.J. was unlikely to benefit from treatment in a hospital. The physician recommended I.E.J.'s commitment be continued.

I.E.J. appealed, challenging his confinement as a seriously mentally impaired individual pursuant to Iowa Code section 229.37.<sup>1</sup> A hearing on I.E.J.'s review request was held, and I.E.J. testified, along with I.E.J.'s treating physician and a correctional counselor. Thereafter, the district court found, because of his impairment, I.E.J. was incapable of making responsible decisions concerning his

---

<sup>1</sup> Following the June 2012 order continuing his commitment, I.E.J. requested a placement hearing be held. See Iowa Code § 229.13(2). His request was subsequently denied for reasons not relevant here. I.E.J. then filed an appeal of that ruling in district court. However, I.E.J. later requested the district court consider his appeal as a request for a writ of habeas corpus and a challenge to the August 2012 report concluding he remained seriously mentally impaired. The State did not resist his request, and the district court considered I.E.J.'s pending appeal as a request for writ of habeas corpus.

hospitalization and treatment. The court further found the State presented clear and convincing evidence that I.E.J. was likely to physically injure himself or others if allowed to remain at liberty.

I.E.J. now appeals.<sup>2</sup> I.E.J. does not contest his physician's opinion that he suffers from a mental illness. Rather, he challenges the sufficiency of the evidence that he lacks sufficient judgment to make reasonable decisions with respect to his hospitalization or treatment and that he was likely to physically injure himself or others if allowed to remain at liberty. Additionally, I.E.J. contends the Iowa Medical Classification Center ("IMCC") "is using Iowa Code [chapter] 229 as a tool of convenience for the application of medication rather than as the tool the legislature intended."

## ***II. Scope and Standards of Review.***

We review sufficiency of the evidence challenges in involuntary commitment appeals for errors at law. *In re B.B.*, 826 N.W.2d 425, 428 (Iowa 2013). The district court's findings of fact are binding on us if supported by substantial evidence. *In re J.P.*, 574 N.W.2d 340, 342 (Iowa 1998). "Evidence is substantial if a reasonable trier of fact could conclude the findings were established by clear and convincing evidence." *Id.* Clear and convincing evidence "means that there must be no serious or substantial doubt about the correctness of a particular conclusion drawn from the evidence." *B.B.*, 826 N.W.2d at 428. It has been uniformly held that the trial court's findings in a habeas corpus action not involving custody of a child are binding upon us if

---

<sup>2</sup> We note an all too frequently observed error: failure to place a witness's name at the top of each appendix page where that witness's testimony appears. See Iowa R. of App. P. 6.905(7)(c).

supported by substantial evidence. *Scalf v. Bennett*, 147 N.W.2d 860, 863 (Iowa 1967).

### ***III. Discussion.***

Iowa Code section 229.1(17)(a) provides that a person is “seriously mentally impaired” where the person is mentally ill and, because of that illness, “lacks sufficient judgment to make responsible decisions with respect to the person’s hospitalization or treatment,” and “[i]s likely to physically injure the person’s self or others if allowed to remain at liberty without treatment.” See also *B.B.*, 826 N.W.2d at 432. The State can establish a lack of judgmental capacity by showing that, because of illness, the individual is unable to make rational decisions about whether or not to seek treatment. *In re Mohr*, 383 N.W.2d 539, 541 (Iowa 1986).

Here, I.E.J.’s physician testified at the hearing about I.E.J.’s mental illness and I.E.J.’s insights into his condition. He testified he did not believe I.E.J. was capable of making decisions regarding his treatment. He explained that after I.E.J. was committed for cutting another inmate’s throat with a razor, I.E.J. was resistant to taking medication. At one point, I.E.J. agreed to take medication but stopped doing so after about a month. I.E.J.’s physician testified that although I.E.J. was not refusing medication at that time, I.E.J. has stated he did not believe he needed the medication. The doctor opined that if I.E.J. was left to his own devices, he would likely refuse medication, and he would then be a danger to others due to his delusional disorder.

I.E.J. testified and explained he cut the inmate because the inmate had stolen his “TV and record player and personal property, and I had asked them to

return it and I'm in prison, I'm not that big of stature of a man, so I used a weapon because they had one." I.E.J.'s physician opined that I.E.J.'s attack was the result of I.E.J.'s delusional beliefs. Even though I.E.J. testified that he would not do the same thing if he had a conflict like that with an inmate in the future, he also explained

[P]rison is not like being in civilization. There's rules and regulations in civilization [that are] not abided by in a penitentiary setting, it's a dog-eat-dog world in a penitentiary setting. If you show any sign of weakness, then you're going to be a victim for the rest of the time you're there, and I'm serving a life sentence . . . .

In light of the testimony presented at the hearing, we conclude the district court committed no legal error in finding I.E.J. lacked judgmental capacity to make responsible decisions concerning his treatment and was likely to cause serious physical injury to himself or others if he remained at liberty. Although I.E.J. testified that he was taking all of his medication and was cooperating with the system in every way, his taking of medication is monitored by hospital staff. Like the district court, we commend I.E.J. for voluntarily taking his medication and his successes resulting from treatment of his disorder, but given the violent nature of the incident leading to his commitment along with I.E.J.'s belief he does not need the medication and his past refusal to take the medication, the evidence does not support the idea that he would take his medication properly if he was released from treatment.

I.E.J. characterizes the situation at hand as the IMCC using chapter 229 as a tool of convenience for the application of medication and not as the tool the legislature intended. The State counters that the Department of Corrections utilizes the procedures set forth in chapter 229 to provide due process for

inmates who require administration of medication against their will. The legislature expressly explained its intent concerning chapter 229: “As mental illness is often a continuing condition which is subject to wide and unpredictable changes in condition and fluctuations in reoccurrence and remission, this chapter shall be *liberally construed to give recognition to these medical facts.*” Iowa Code § 229.1A (emphasis added). Based upon the opinion of I.E.J.’s physician, I.E.J. is a danger when he does not take medication for his mental illness, and I.E.J. is unlikely to take his medication without supervision. Clearly, chapter 229 was properly employed in this case to protect I.E.J.’s procedural due process rights and to protect I.E.J. and others from the danger I.E.J. poses as a result of his mental illness, which requires the administration of medication. We therefore find no merit in I.E.J.’s claim that Iowa Code chapter 229 was used as a medication tool and not as the legislature intended in this case.

For all of these reasons, we affirm the district court’s ruling denying I.E.J.’s request for writ of habeas corpus pursuant to Iowa Code section 229.37 and continuing I.E.J.’s placement as previously ordered in the Iowa Prison System as an alternative placement.

**AFFIRMED.**