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STATE OF MICHIGAN

COURT OF APPEALS

In re DC.

PRESTON ROSS,

Petitioner-Appellee,

v

DC,

Respondent-Appellant.

UNPUBLISHED
October 12, 2026
9:31 AM

No. 378070
Washtenaw Probate Court
LC No. 25-000710-MI

Before: BORRELLO, P.J., and BAZZI and LIEVENSE, JJ.

PER CURIAM.

In this civil commitment action under the Mental Health Code, MCL 330.1001 *et seq*., respondent, DC, appeals as of right the probate court order for involuntary mental health treatment following a jury trial. We dismiss this appeal as moot.

I. FACTS AND PROCEDURAL HISTORY

DC was a client of Washtenaw County Community Mental Health (WCCMH) and its Projects for Assistance in Transition from Homelessness (PATH) program. DC was 74 years old, had been diagnosed with schizophrenia and depression, was homeless, and had a history of involuntary hospitalizations for mental health treatment. These hospitalizations included three prior psychiatric admissions. On August 25, 2025, petitioner Preston Ross, a social worker with the PATH program, petitioned the Washtenaw County Probate Court to order DC to undergo a mental health examination and engage in involuntary mental health treatment. The petition alleged that DC had a mental illness and that he left several voice mail messages on Ross's work phone in which he threatened physical harm to Ross and other PATH employees.

On September 3, the court appointed DC counsel and ordered WCCMH to assess alternatives to hospitalization. Thereafter, DC requested a jury trial and, following the close of proofs after a one-day trial on October 6, 2025, the jury returned a verdict that DC had a mental

illness and that he was a "person requiring treatment" under MCL 330.1401(1). Based on the verdict, the trial court entered an order that clear and convincing evidence supported a finding that DC required treatment under all three separate statutory subsections: that, as a result of his mental illness, DC could reasonably be expected to physically injure himself or others; that DC could not attend to his basic physical needs; and that DC's judgment was so impaired that he did not understand the need for treatment. MCL 330.1401(1)(a)-(c). That same day the trial court ordered DC to undergo involuntary mental health treatment for up to 180 days, including up to 60 days of hospitalization. The court appointed appellate counsel for DC, and this appeal followed.

II. ANALYSIS

DC raises various claims contesting the admissibility of evidence admitted and discussed at trial and asks this Court to reverse the probate court's order. We hold, however, that this appeal is moot because the order expired and we can provide no remedy that would have a practical legal effect in this case.

"Whether an issue is moot is a question of law that this Court reviews de novo." *In re Tchakarova*, 328 Mich App 172, 178; 936 NW2d 863 (2019) (citation omitted). Mootness "is a threshold issue that a court addresses before it reaches the substantive issues of the case itself." *People v Richmond*, 486 Mich 29, 35; 782 NW2d 187 (2010) (citation omitted). This Court discussed the mootness doctrine as follows in *In re Detmer/Beaudry*, 321 Mich App 49, 55-56; 910 NW2d 318 (2017) (citations omitted):

> Courts of this state derive their authority from Article VI of the Constitution of the state of Michigan of 1963. An "essential element" of our courts' judicial authority is that the courts do "not reach moot questions or declare rules of law that have no practical legal effect in a case." One of "the most critical" aspects of judicial authority, as opposed to legislative or executive authority, is the requirement that there be a "real" controversy between the parties, as opposed to a "hypothetical" one.

Thus, "[a] matter is moot if this Court's ruling cannot for any reason have a practical legal effect on the existing controversy." *In re Tchakarova*, 328 Mich App at 178 (quotation marks and citations omitted).

In re Tchakarova, however, recognizes two exceptions to the mootness doctrine in civil commitment proceedings. The first allows this Court to address otherwise moot claims if the order has collateral legal consequences for the respondent, like rendering the respondent ineligible to own a firearm. *Id*. at 179. In this case, DC identifies no collateral legal consequences stemming from the order. Further, DC previously had been ordered to undergo involuntary mental health treatment, so the October 2025 order does not present any new collateral legal consequences that constitute an exception to the mootness doctrine.

The second exception to the mootness doctrine is if the case involves an issue of public significance that is likely to recur yet evade judicial review. *Id*. at 180. "An issue is likely to evade judicial review if the time frames of the case make it unlikely that appellate review can be obtained before the case reaches a final resolution." *Id*. at 180, citing *Socialist Workers Party v*

Secretary of State, 412 Mich 571, 582 n 11; 317 NW2d 1 (1982); *In re Midland Publishing Co, Inc*, 420 Mich 148, 152 n 2; 362 NW2d 580 (1984). An order for a maximum treatment period of 180 days, with up to 60 days of hospitalization, like in DC's case, typically will evade judicial review given the pace at which appeals as of right proceed in the appellate system. *Socialist Workers Party*, 412 Mich at 582 n 11. Thus, whether this Court reaches the merits of DC's appeal hinges on whether he has identified an issue of public significance.

In re Tchakarova recognizes circumstances when the public may have "a significant interest in ensuring that [involuntary commitment] orders curtailing a person's liberty are properly entered." 328 Mich App at 181. DC, however, does not attempt to argue that his case raises an issue of public significance, nor does he cite any supporting legal authority, meaning he has abandoned this argument. *Maple BPA, Inc v Bloomfield Charter Twp*, 302 Mich App 505, 517; 838 NW2d 915 (2013); *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999). Thus, instead this appeal presents only abstract questions of law without any practical legal effect on an existing controversy, meaning it is moot. *In re Detmar/Beaudry*, 321 Mich App at 56.

DC only argues the merits of the issues he appeals, namely, that the court erred when it: (1) admitted two voice mail recordings without proper authentication and petitioner's hearsay testimony about the recordings, and (2) permitted petitioner's counsel to argue to the jury that DC made violent threats to WCCMH employees, which he says was not proven at trial. Acknowledging that he seeks no "immediate, recognizable remedy for" those alleged errors, DC asks this Court to issue an opinion "to instruct the trial courts to ensure that recorded evidence is properly entered into the record by a witness who has the credentials to testify to its authenticity."

But DC's requested relief confirms that he will not benefit from this Court's ruling. Thus, DC's arguments concerning general evidentiary issues about hearsay and authentication of evidence are not unique to civil commitment proceedings and can be addressed in other cases where a ruling from this Court will have a practical legal effect on the case. *In re Detmer/Beaudry*, 321 Mich App at 55-56. Therefore, this appeal is moot and is dismissed.

/s/ Stephen L. Borrello
/s/ Mariam S. Bazzi
/s/ Andrew J. Lievense