

United States Court of Appeals
For the Eighth Circuit

No. 19-2488

United States of America

Plaintiff - Appellee

v.

Jeffrey Honie

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Springfield

Submitted: April 7, 2020

Filed: April 16, 2020

[Unpublished]

Before ERICKSON, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Jeffrey Honie appeals the district court's¹ order committing him to the custody of the Attorney General for hospitalization after finding by clear and convincing evidence that Honie was suffering from a mental disease or defect such that his release would create a substantial risk of bodily injury to another person or serious damage to the property of another. See 18 U.S.C. § 4246.

We conclude the commitment decision was not clearly erroneous. See United States v. Williams, 299 F.3d 673, 676-78 (8th Cir. 2002) (standard of review). The commitment order is supported by medical opinions set forth in reports prepared by mental health professionals where Honie was confined for treatment, and by defense counsel's independent psychological examiner. The concurring expert reports established that Honie has a mental disease or defect; that his pattern of dangerous behavior is related to his mental conditions; and that hospitalization is warranted, as he has little insight into his conditions and the risk of his dangerousness is exacerbated by the likelihood he would resume using alcohol and drugs if released. See United States v. Ecker, 30 F.3d 966, 970 (8th Cir. 1994).

We note that the Attorney General is under a continuing obligation to exert reasonable efforts to place Honie in a suitable state facility, and that Honie's custodians must prepare annual reports concerning his mental condition and the need for continued commitment. See 18 U.S.C. §§ 4246(d) and 4247(e)(1)(B).

The judgment is affirmed, and counsel's motion to withdraw is granted.

¹The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable David P. Rush, United States Magistrate Judge for the Western District of Missouri.