

United States Court of Appeals
For the Eighth Circuit

No. 20-1445

United States of America,

Plaintiff - Appellee,

v.

Jeffshawn Luther,

Defendant - Appellant.

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

Submitted: February 9, 2021

Filed: February 16, 2021

[Unpublished]

Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

PER CURIAM.

Jeffshawn Luther appeals an order of the district court¹ committing him to the custody of the Attorney General for hospitalization and treatment pursuant to 18 U.S.C. § 4246. That statute authorizes commitment when there is clear and convincing evidence that a person who is due for release suffers 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 property of another.

We conclude the commitment decision was not clearly erroneous. The court's conclusion is supported by medical opinions set forth in reports prepared by mental health professionals where Luther was confined for treatment, and by defense counsel's independent psychological examiner. The concurring expert reports established that Luther has a mental disease or defect, that his pattern of dangerous behavior is related to his mental conditions, and that hospitalization is warranted. The record supports a finding that Luther has little insight into his condition, and that he likely would not continue treatment if released. *See United States v. Ecker*, 30 F.3d 966, 970 (8th Cir. 1994) (listing factors used in determining potential dangerousness).

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.