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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-2056**

In the Matter of the Civil Commitment of: Saud Sharif

**Filed June 25, 2018
Affirmed
Worke, Judge**

Hennepin County District Court
File No. 27-MH-PR-17-1106

Kurt M. Anderson, Minneapolis, Minnesota (for appellant Saud Sharif)

Michael O. Freeman, Hennepin County Attorney, John L. Kirwin, Assistant County
Attorney, Minneapolis, Minnesota (for respondent Hennepin County)

Considered and decided by Worke, Presiding Judge; Johnson, Judge; and Klaphake,
Judge.*

U N P U B L I S H E D O P I N I O N

WORKE, Judge

Appellant challenges orders for civil commitment and forced administration of
medication, arguing that the district court lacked personal jurisdiction over her. We affirm.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

FACTS

Appellant Saud Sharif lived with her mother, Nasro Sahal, and her younger siblings in Kansas City, Missouri for 13 years. Sharif's brother, Mohammed Shalal, lives in Minnesota. In early October 2017, Sharif's family brought her to Minnesota.

On October 15, 2017, police officers were dispatched to a residence on a report of a female needing help because her family was trying to hurt her. Officers were invited into the residence and did not observe signs of a struggle. An officer located the caller, Sharif, alone in a dark bedroom. Sharif reported that her mother recently forced her to come to Minnesota. She reported that family members were beating her and that she was pregnant and in fear of losing the child. Sharif then admitted that she had not been assaulted but claimed that she would later be beaten.

Sahal reported that there had been no struggle and that Sharif is not pregnant and does not have any children. She stated that Sharif has mental-health issues and had been hospitalized for having suicidal thoughts. Officers determined that Sharif was showing an unstable mental state and requested an ambulance to transport her to the hospital.

Sharif was admitted to the University of Minnesota Medical Center (UMMC) with a care goal of "Adher[ing] to Safety Considerations for Self and Others." Sharif reported that her goal for discharge was "to go home, back to Missouri with [her] family." Sharif's initial assessment indicated that she is 23 years old and has a history of suicidal ideation. Sharif reported being "kidnapped" from Missouri. Sharif reported being pregnant and having "4 children, three girls and one boy, who are all 2 years old and in the hospital back in Missouri." Sharif stated that she was not pregnant "from sexual intercourse," but rather,

she was “‘impregnated by hand’ by a ‘magic man.’” Medical reports indicate that Sharif was hospitalized three times in Missouri, has a “history of psychosis,” and has the “delusional” belief that she was impregnated through magic.

Sharif’s brother, Shalal, reported that Sharif’s mental health began deteriorating five years ago. He stated that Sharif “does not work, she has no money, she lost her Driver’s License, she will not go back to school, her green card has expired and she will now not even fill [out] paperwork to renew her card and refused to take her citizenship test.” He stated that she has no friends and “cannot care for herself in the community, she is vulnerable and unsafe.”

The UMMC treatment team discussed a commitment petition and discharge plan with Sharif’s family. Sharif’s family indicated that when discharged, Sharif “will live with her brother in Minnesota.” The UMMC filed a petition for Sharif’s commitment as a mentally ill person indicating that Sharif needed neuroleptic medications. An examiner’s report stated that Sharif “needs to remain in the . . . hospital and . . . take prescribed medications to address her severe psychosis, until arrangements can be made for appropriate and safe placement in the community.” Sharif moved to dismiss the petition for lack of personal jurisdiction over her.

During the hearing on the commitment petition, Sahal testified that over the last few months, Sharif had not been eating normally and would accuse Sahal of putting things in her food that would damage Sharif’s children. Sahal testified that Sharif refused to shower because she believed that there were cameras and people watching her. Sahal testified that when Sharif gets upset she hits her head on the wall, and when she gets angry she strikes

her siblings and Sahal and throws things. Sahal testified that up until three weeks ago Sharif lived with her in Missouri. The district court asked Sahal, “[A]re you planning to make Minnesota your new home, or do you plan to move back to Missouri?” Sahal replied, “I want to live here.”

Sharif testified that she did not want to come to Minnesota and was brought to Minnesota “by force.” Sharif’s attorney asked her: “Do you want to stay in Minnesota?” She replied: “Yes.” Sharif’s attorney asked her if she wanted to return to Missouri. She replied: “Yes.” The following exchange occurred between Sharif and her attorney:

Attorney:	Now you said two different things. You said, you want to go back [to] Missouri, and you’ve also said you want to stay in Minnesota. If you were free to make your own choice, what would you do?
Sharif:	I don’t have a place to stay.
Attorney:	So you’d have to stay where you have a place to stay?
Sharif:	Yes.
Attorney:	If you had an apartment in Missouri, would you choose to go back there or would you choose to stay in Minnesota?
Sharif:	Missouri.

The district court filed orders for Sharif’s commitment as a mentally ill person and authorization for use of neuroleptic medication. The district court found that Sharif’s mother plans to move to Minnesota, Sharif’s brother lives in Minnesota, and Sharif was in Minnesota approximately two weeks before she called the police. The district court found that Sharif “was residing in Minnesota . . . at the time she was taken by ambulance to the hospital.” This appeal followed.

DECISION

Sharif argues that the district court lacked personal jurisdiction over her. We review issues of personal jurisdiction de novo. *In re Ivey*, 687 N.W.2d 666, 669 (Minn. App. 2004), *review denied* (Minn. Dec. 22, 2004). The district court’s findings of fact will not be set aside unless clearly erroneous. *In re McGaughey*, 536 N.W.2d 621, 623 (Minn. 1995). The district court is the judge of witness credibility. *In re Knops*, 536 N.W.2d 616, 620 (Minn. 1995).

Respondent county argues that the district court had personal jurisdiction over Sharif because, regardless of the circumstances that brought her here, she chose to remain and her behavior here provided the need for commitment. Under Minn. Stat. § 253B.07, subd. 2(a) (2016), an interested person “may file a petition for commitment in the district court of the county of financial responsibility or the county where the proposed patient is present.” The “[c]ounty of financial responsibility” is defined as “the county in which the [proposed patient] resides at the time of application.” See Minn. Stat. §§ 253B.02, subd. 4c, 256G.02, subd. 4(b) (2016). “‘Reside’ means to have an established place of abode in one state or county and not to have an established place of abode in another state or county.” Minn. Stat. § 256G.02, subd. 8 (2016).

The district court’s finding that Sharif was in Minnesota approximately two weeks before calling the police on October 15, and was therefore residing in Minnesota at the time she was taken to the hospital, is not clearly erroneous. Sharif was residing in Minnesota after her family brought her here—where her brother lived and her mother planned to stay. The record shows that Sharif’s brother lives in Minnesota and Sharif’s

family planned to have Sharif “live with her brother in Minnesota” when discharged. Further, the record supports the district court’s finding that Sharif’s mother “plans to move to Minnesota.” The district court asked Sahal if she planned to move back to Missouri and Sahal stated that she wants to live in Minnesota. There is no indication in the record that Sharif ever lived anywhere but with her mother. Additionally, Sharif stated that her plan after she is discharged is to live with her family. The record shows that Sharif wants and intends to live with her family. Thus, it follows that if Sahal is residing in Minnesota then Sharif is residing in Minnesota as well.

Moreover, even though Sharif testified that she was brought to Minnesota “by force,” she did not leave. Sharif acknowledged that she has to stay where she has a place to live. Sharif lived with her mother in Missouri and her mother now lives in Minnesota. There is no indication in the record that Sharif would or could go back to Missouri on her own. Sharif has always lived with her mother. Shalal stated that Sharif “does not work, she has no money, she lost her Driver’s License, she will not go back to school, her green card has expired and she will now not even fill [out] paperwork to renew her card and refused to take her citizenship test.” He stated that she has no friends and “cannot care for herself in the community.” Sharif stated that when she is discharged she wants to be with her family. Although Sharif testified that she would go to Missouri “[i]f . . . free to make [her] own choice,” she also indicated that she is not free to make her own choice because she has no place to stay in Missouri. In sum, the record supports the determination that the district court had personal jurisdiction over Sharif because she was residing in Minnesota and because she was present in Minnesota when the UMMC filed the commitment petition.

Sharif argues that “the record contains no evidence of any minimally volitional act to become a Minnesota resident or otherwise avail herself of the benefits of Minnesota law.” She also argues that Minnesota has no interest “in [a nonresident’s] web of mental health issues.” But Sharif’s mental-health issues led her to call 911 in Minnesota and report that her family was assaulting her. And she was transported by ambulance to the hospital. Thus, she has availed herself of services in Minnesota. Further, Minnesota does have an interest in protecting not only nonresidents from dangerous acts resulting from untreated mental-health conditions, but also its own residents who may be victimized by dangerous behavior displayed by a mentally ill individual while that person is in the state.

The record shows that there are concerns, safety and otherwise, stemming from Sharif’s untreated mental-health issues. First, Sharif contacted 911 and falsely reported an assault. This not only put Sharif’s family in a precarious, defensive situation, but it also diverted police officers. Second, medical documentation showed that Sharif was admitted to a Missouri hospital for having suicidal thoughts. Third, a note from the UMMC indicates that Sharif’s care goal was to “Adhere[] to Safety Considerations for Self and Others.” Fourth, an examiner stated that Sharif “needs to remain in the . . . hospital and . . . take prescribed medications to address her severe psychosis, until arrangements can be made for . . . safe placement in the community.” Finally, Sahal testified that when Sharif gets upset she hits her head on the wall, and when she gets angry she strikes her younger siblings and Sahal and throws things at Sahal. Minnesota has an interest in Sharif’s well-being while she is in the state. Minnesota also has an interest in the well-being of Sharif’s family members who reside in Minnesota and who have been victimized by Sharif’s actions.

Additionally, Minnesota has an interest in the well-being of its residents who may not receive prompt emergency services due to Sharif's mental-health issues diverting attention and its residents who may encounter Sharif when she is untreated in the community.

Sharif argues that the district court did not have personal jurisdiction over her because Minnesota limits the reach of its personal jurisdiction over a nonresident. *See* Minn. Stat. § 543.19, subd. 1 (2016). However, section 543.19 addresses personal jurisdiction over nonresidents. A “[n]onresident individual” is defined as an individual “who is not domiciled or residing in the state when suit is commenced.” *Id.*, subd. 5 (2016). This statute does not apply; the record supports the district court's determination that, based on all of Sharif's circumstances, she intended to and was residing in Minnesota when the UMMC filed the commitment petition.

Affirmed.