

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-1485**

In the Matter of the Civil Commitment of:
Maurice Williams.

**Filed March 29, 2021
Affirmed
Kirk, Judge***

Dakota County District Court
File No. 19HA-PR-20-509

Victoria M. Herr, Herr Law Office, LLC, Minneapolis, Minnesota (for appellant)

Kathryn M. Keena, Acting Dakota County Attorney, Heather Pipenhagen, Assistant
County Attorney, Hastings, Minnesota (for respondent)

Considered and decided by Ross, Presiding Judge; Reilly, Judge; and Kirk, Judge.

NONPRECEDENTIAL OPINION

KIRK, Judge

On appeal from his commitment as a person who has a mental illness and is dangerous to the public, appellant argues that he was not competent to waive his rights when he purportedly did so; and that the record does not support either his commitment or his continued commitment. We affirm.

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

DECISION

In 2020, the state petitioned for the civil commitment of appellant Maurice Williams as what is now known as a person who has a mental illness and is dangerous to the public pursuant to Minn. Stat. § 253B.18 (2018), and appellant stipulated to this commitment. Appellant now challenges his commitment, arguing that he did not knowingly, voluntarily, and intelligently admit to the petition or waive his right to a contested case. Appellant also claims that the county did not prove by clear and convincing evidence that appellant meets the statutory criteria for commitment as mentally ill and dangerous.

Appellant's stipulation or his competency to stipulate to commitment were not challenged before or decided by the district court, and we therefore do not consider those arguments. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts generally do not address matters not previously presented to and considered by the district court); *see also Beaulieu v. Minnesota Dep't of Human Servs.*, 825 N.W.2d 716, 724 (Minn. 2013) (applying *Thiele* in a commitment appeal). A motion challenging appellant's stipulation may properly be brought before the district court pursuant to rule 60.02 of the Minnesota Rules of Civil Procedure. *See In re Civil Commitment of Lonergan*, 811 N.W.2d 635, 643 (Minn. 2012) (holding claims that lack procedures under commitment act may be brought under rule 60.02).

Even if we were to consider appellant's arguments, we are asked to apply theories of criminal procedure to determine that his stipulation is invalid, which we decline to do. *In re Civil Commitment of Rannow*, 749 N.W.2d 396, 399 (Minn. App. 2008) (declining to use criminal plea standard for evaluating validity of stipulation to civil commitment).

Appellant also argues that the record does not support his commitment as respondent did not prove by clear and convincing evidence that appellant was dangerous. Appellant's stipulation to the commitment again proves insurmountable, as the need to develop the record was obviated by his stipulation. *Id.*

Affirmed.