

*This opinion is nonprecedential except as provided by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
A25-0762**

In the Matter of the Civil Commitment of: Sherman Kerall Ratliff.

**Filed September 15, 2025
Affirmed
Reyes, Judge**

Hennepin County District Court
File No. 27-MH-PR-24-664

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Considered and decided by Worke, Presiding Judge; Johnson, Judge; and Reyes,
Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that the record does not support the district court's order committing him as a person who has a mental illness and is dangerous to the public (MI&D) because the district court (1) clearly erred by finding that he committed multiple overt acts in which he attempted to cause "serious physical harm" to others and (2) did not consider appellant's self-defense argument when evaluating his conduct. We affirm.

FACTS

In November 2023, respondent Hennepin County Attorney's Office (the county) charged appellant Sherman Kerall Ratliff with one count of first-degree assault involving great bodily harm under Minn. Stat. § 609.221, subd. 1 (2022), after the victim reported that appellant shot him in the face following an altercation in their apartment complex. Apartment management and tenants in the apartment complex recognized appellant as "self-proclaimed security" in the building, who regularly picked up trash around the building, walked the hallways, and asked homeless people to leave the building. According to the complaint, appellant shot the victim, another individual in the apartment building, after he told victim that he was "cleaning up" the apartment and told victim to leave. Officers reviewed the surveillance footage from the apartment complex and observed an altercation between appellant and victim, and victim later running toward the elevators in apparent distress, as appellant continued to pursue him while holding a long black item that appeared to be a firearm. In the video, officers observed appellant disappear from view and then later return to retrieve what appeared to be "a spent bullet casing." Appellant left the scene after police arrived, but officers apprehended him a few hours later. In a subsequent interview with officers, appellant eventually admitted that he "grabbed his protection" after he got into an altercation with victim, whom he "believed" had a knife or scissors. Appellant also stated that he defended himself, "blacked out," and threw the firearm into the Mississippi River after the shooting.

In April 2024, the district court ordered an examination of appellant pursuant to Minn. R. Crim. P. 20.01 to determine his competence to stand trial. Dr. Amy Crockford,

who completed appellant's Rule 20.01 examination, diagnosed appellant with posttraumatic stress disorder (PTSD), unspecified depressive disorder, and a mild intellectual disability. The district court, relying on Dr. Crockford's uncontested opinion regarding appellant's competency, found that appellant, "due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense." The district court determined that appellant was "incompetent to stand trial." The district court ordered the Hennepin County Prepetition Screening Program to conduct a prepetition screening to determine whether appellant should be civilly committed.

In June 2024, the county moved for an order from the district court committing appellant to the Minnesota Security Hospital or another appropriate facility as MI&D. Dr. Joesph Korevec, who conducted the examination, testified that appellant met the criteria for PTSD, unspecified schizophrenia, and other substantial psychiatric disorders. Dr. Korevec agreed that, if the district court determines that appellant's actions constitute an overt act or acts, appellant meets the criteria for commitment as MI&D.

After receipt of Dr. Korevec's report, appellant requested a second examination. Pursuant to the parties' agreement, the district court appointed Dr. Andrea Lovett to examine appellant. Dr. Lovett testified that she diagnosed appellant with borderline personality disorder, PTSD, and unspecified depressive disorder. Dr. Lovett further stated, if the district court determines that appellant had engaged in an overt act, he meets the criteria for commitment because he is "at a substantial risk of harming people going forward, and it's because of his psychiatric disorders." Dr. Lovett also testified about other

incidents in which appellant had engaged in other acts in which he acted violently toward others, including an incident in 2006 in which appellant threw his ex-wife to the ground and smashed a plastic toy tricycle into her head, resulting in significant injury, including a laceration near her eye that required stitches. Dr. Lovett's testimony also referenced a 2009 incident in which appellant's ex-wife sought, and the district court granted, an order for protection (OFP) after appellant's ex-wife reported that he had suddenly driven a vehicle away from her while she was holding the door handle. The OFP petition also mentioned the tricycle incident, an additional domestic-abuse incident, and allegations of threats that appellant made to his ex-wife and other members of her family. Dr. Lovett also testified about another incident in which appellant purportedly threatened a fifth-grade student stating that he "[didn't] give a f-ck about the school" and he would "blow the b-tch down" while he put his finger to his head and gestured as if he were shooting his head.

The district court, referencing the reports of Dr. Korevec and Dr. Lovett, found in part that: (1) appellant has several mental illness diagnoses, including "[PTSD], mild intellectual disability by history, unspecified anxiety disorder, unspecified depressive disorder, and unspecified schizophrenia spectrum and other psychotic disorder"; (2) appellant's mental illnesses are "manifested by instances of grossly disturbed behavior or faulty perceptions"; (3) appellant "presents a clear danger to the safety of others" as a result of his mental illnesses and has engaged in multiple "overt acts capable of causing serious physical harm to another"; (4) "[t]here is a substantial likelihood that [appellant] will engage in acts capable of inflicting serious physical harm on another"; and (5) "[t]he

Minnesota Security Hospital is the only appropriate placement for [appellant] at this time.” The district court filed an initial order for commitment in December 2024.¹

In February 2025, the district court received a 60-day report which explained that appellant met the criteria for indeterminate commitment. In April 2025, following the filing of the 60-day report, the district court filed an order committing appellant to indeterminate commitment as a person who is MI&D.

This appeal follows.

DECISION

The district court did not clearly err when it found that appellant committed multiple overt acts in which he attempted to cause serious physical harm to others.

Appellant contends that appellant’s prior assaultive conduct which resulted in the district court granting his ex-wife an OFP did not “amount to the necessary degree of seriousness” contemplated by Minn. Stat. § 253B.02, subd. 17(2) (2024). We are not persuaded.

Before committing a person to a secure treatment facility, the district court must find by clear and convincing evidence that the person is MI&D. Minn. Stat. § 253B.18, subd. 1(a) (2024). A person has a mental illness and is dangerous to the public when, in addition to having a qualifying mental illness,² (1) the person “presents a clear danger to

¹ The Minnesota Commitment and Treatment Act under Minn. Stat. § 253B.18, subds. 2(a), 3 (2024), requires the state-operated treatment program file a written treatment report within 60 days after commitment and prior to a review hearing in which the district court determines whether a MI&D commitment should be indeterminate.

² Appellant does not dispute that he has a mental illness.

the safety of others,” as evidenced by the person’s “engag[ing] in an overt act causing or attempting to cause serious physical harm to another” as a result of that mental illness and (2) “there is a substantial likelihood that the person will engage in acts capable of inflicting serious physical harm on another” in the future. Minn. Stat. § 253B.02, subd. 17 (2024). After a person is initially committed as MI&D, the district court must typically hold a review hearing to make a final determination on whether the person remains MI&D and thus must continue the commitment. Minn. Stat. § 253B.18, subd. 2(a). If the person is determined to continue to be MI&D, the district court must order commitment “for an indeterminate period of time.” *Id.*, subd. 3 (2024).

Minn. Stat. § 253B.02, subd. 17, does not require that an overt act “attempting to cause serious physical harm to another” constitutes an “attempt” within the meaning of Minn. Stat. § 609.17, subd. 1 (2022), which requires that a person act “with intent to commit a crime.” An action may be “equally dangerous to the public” regardless of whether the person “had an intention or capacity to cause harm” or “even to recognize its potential for causing serious harm.” *In re Jasmer*, 447 N.W.2d 192, 195 (Minn. 1989).

The question of dangerousness is a factual determination for the district court, which we will not disturb unless it is clearly erroneous. *In re Welfare of Hofmaster*, 434 N.W.2d 279, 282 (Minn. App. 1989). Appellate courts review a district court’s factual findings in an order for indeterminate commitment for clear error and defer to the district court’s credibility determinations. *In re Knops*, 536 N.W.2d 616, 620 (Minn. 1995). Appellate courts view the evidence in “a light favorable to the findings” and will not reweigh the evidence nor resolve conflicting evidence. *In re Civ. Commitment of Kenney*, 963 N.W.2d

214, 221-22 (Minn. 2021). Appellate courts will not set aside a district court’s findings of fact as clearly erroneous unless “left with a definite and firm conviction that a mistake has been committed.” *Id.* at 221 (quotation omitted). But whether clear and convincing evidence supports the district court’s determination that the standards for commitment are met is a question of law, which we review de novo. *In re Thulin*, 660 N.W.2d 140, 144 (Minn. App. 2003).

A. Appellant’s assaultive conduct constitutes an overt act.

Appellant’s conduct leading to the 2009 OFP falls squarely within the definition of an overt act under Minn. Stat. § 253B.02, subd. 17. As noted above, in the domestic incident, appellant threw his ex-wife to the ground and then repeatedly struck her in the head with an object which resulted in a laceration near her eye, requiring her to get stitches. Each act in that incident, considered independently, is an act “capable of causing serious physical harm.”

Following that incident, in 2009, appellant’s ex-wife sought and obtained an OFP, also reporting that appellant had threatened members of her family and another incident in which appellant drove a car away from her while she was holding on to the door, which caused her to trip and fall on her knee.

Appellant characterizes these incidents as “intolerable” rather than violent and argues that the conduct, specifically the tricycle incident, does not “rise to the level of ‘serious physical harm’ and should not, by itself, be sufficient to demonstrate that [appellant] poses a clear danger to others.” Contrary to appellant’s argument, the district court found that appellant had committed “*multiple overt acts* causing or attempting to

cause serious physical harm to another” which were “related to, precipitated by, or caused by [appellant’s] mental illness.” (Emphasis added.) In doing so, the district court specifically referenced the instances documented by physicians from their interviews with appellant in which he admitted to assaulting his wife and threatening elementary school students, in addition to the conduct in the instant case that resulted in his commitment. Moreover, Minn. Stat. § 253B.02, subd. 17, requires only that the person has engaged in an overt dangerous act *capable* of causing serious physical harm to another, not that the conduct result in serious physical harm. *Jasmer*, 447 N.W.2d at 195-96.

Appellant attempts to distinguish this case from our decision in *Hofmaster*, 434 N.W.2d 279, arguing that appellant’s assaultive conduct involving his ex-wife did not constitute overt acts because if “considered in isolation, [the conduct] would not rise to the level of ‘causing or attempting to cause serious physical harm to another.’” But *Hofmaster* is actually similar to, rather than different from, this case and ultimately supports the district court’s finding that appellant had committed an overt act in which he attempted to harm another person. In *Hofmaster*, we concluded that the district court “could properly consider Hofmaster’s entire history” in addition to a remote incident in which he stabbed his wife, to determine whether Hofmaster could be considered a danger to others. 434 N.W.2d at 280-81. Here, the district court considered appellant’s long history of violence, which included threats he made to others; suicide attempts; explicit admissions that he had “fantasies” about killing people; reported “blackouts” when he felt anger or rage; psychiatric hospitalizations; and the incidents with his ex-wife. These incidents, taken together, support the district court’s determination that appellant poses a danger to society.

We therefore discern no error by the district court in finding the domestic-assault incident as an overt act.

B. The district court properly considered the November 2023 incident as an overt act and was not required to consider appellant’s self-defense claim.

Appellant contends that the district court failed to analyze his self-defense claim in determining that the November 2023 incident constituted an overt act. Appellant emphasizes evidence in the record that purportedly shows the victim brandished a weapon and was the initial aggressor. Appellant’s argument is unavailing.

In a criminal prosecution, to find that a defendant acted in self-defense, the fact-finder must find that force was necessary to prevent the harm feared. *See State v. Pendleton*, 567 N.W.2d 265, 269 (Minn. 1997) (explaining that self-defense justification to intentional killing requires evidence that defendant used reasonable force in response to reasonable belief of exposure to great bodily harm or death); Minn. Stat. § 609.06, subd. 1(3) (2022) (explaining that individuals may use reasonable force to “resist[] . . . an offense against the person”). A defendant claiming self-defense in a criminal prosecution may use a level of force that is reasonable under the circumstances. *State v. Glowacki*, 630 N.W.2d 392, 402-03 (Minn. 2001).

Minn. Stat. § 253B.02, subd. 17, does not require the district court to predicate its finding as to whether a defendant committed an overt act sufficient to satisfy the commitment statute on the lack of a viable claim of self-defense. Appellant also does not cite to any binding authority that requires the district court to consider appellant’s self-

defense claim.³ But even if the district court were required to consider appellant's self-defense claim, it appears that the district court considered it and implicitly rejected it. In the order, the district court highlights appellant's inconsistent statements provided to law enforcement during the investigation, noting that appellant initially "told police that he had 'blacked out' and did not remember the altercation" and later claimed that he did remember the altercation and that he "was defending himself." The county also submitted the police report from the night of the incident to the district court in which officers who reviewed the surveillance footage from the apartment complex documented that they observed footage which depicted (1) the victim and appellant having a "heated exchange"; (2) the victim "visibly f[alling] to the floor as [appellant] [was] in the immediate vicinity"; (3) the victim injured and "running around the corner" in the elevator hallway and later leaning against the wall for support; and (4) appellant bending over and picking up what officers believed to be a shell casing or a live round of ammunition before leaving the scene. Appellant did not present any additional evidence to the district court to support his self-defense claim, including testimony that the victim had attempted to injure appellant in any manner with the scissors that appellant believed he had.

³ To support this argument, appellant cites our decision in the case *In the Matter of the Civil Commitment of Rhone*, a nonprecedential opinion, in which Rhone argued that the district court erred by determining that she committed an overt act when she killed victim in self-defense. No. A18-0943, 2018 WL 6165252, at *1, *5 (Minn. App. Nov. 26, 2018), *rev. denied* (Minn. Jan. 15, 2019). But *Rhone* is a nonprecedential opinion and therefore is not binding on us. Minn. R. Civ. App. P. 136.01, subd. 1(c). Furthermore, in *Rhone* we concluded that, although the district court did not make an explicit finding as to Rhone's defense-of-dwelling claim, the record was sufficient to support the district court's finding that Rhone's killing of G.J.M. was not justifiable. 2018 WL 6165252, at *4.

We conclude that the district court did not err by finding that the November 2023 incident constituted an overt act.

Affirmed.