

ORIGINAL

FILED

04/29/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 23-0672

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 23-0672

FILED

APR 29 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

IN THE MATTER OF:

P.S.,

ORDER

Respondent and Appellant.

Appellant P.S. appeals from the October 13, 2023 Involuntary Mental Health Commitment Order of the Fourth Judicial District Court, Missoula County, in its Cause No. DI-11-75. P.S. argues the court erred by permitting the State's witnesses to testify by video during his commitment hearing.<sup>1</sup> The State, while not agreeing with all of P.S.'s arguments, has filed a Notice of Concession conceding that this matter should be reversed and remanded for further proceedings.

The District Court conducted a hearing on the State's petition to involuntarily commit P.S. on October 4, 2023. During the hearing, the court permitted two of the State's witnesses to testify via remote video over P.S.'s objection.

Under § 53-21-140(3)(c), MCA, a district court has the discretion to permit witnesses to testify via remote video at an involuntary commitment hearing, but a respondent's counsel may remove that discretion by objecting under § 53-21-140(5)(b), MCA. *In re N.A.*, 2021 MT 228, ¶ 19, 405 Mont. 277, 495 P.3d 45. When a district court permits remote testimony over counsel's objection, the district court commits reversible error. *In re N.A.*, ¶ 20. In this case, the State concedes this Court should reverse the District

<sup>1</sup> Although P.S. also argues the District Court erred by ordering involuntary administration of medication without sufficient evidence that P.S. was not taking his medication voluntarily, the State's concession of the first issue is dispositive of this appeal.

Court's October 13, 2023 involuntary commitment order and remand this matter for further proceedings.

Therefore, and good cause appearing,


IT IS HEREBY ORDERED that this case is REMANDED to the Fourth Judicial District Court, Missoula County, for further proceedings as necessary.


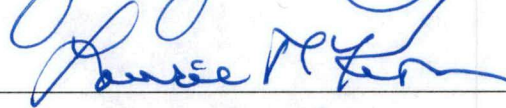
IT IS FURTHER ORDERED that this appeal is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that REMITTITUR shall issue IMMEDIATELY UPON REMAND.

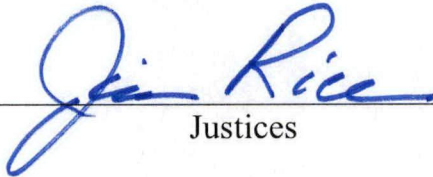
The Clerk is directed to provide copies of this Order to all counsel of record and to Honorable John W. Larson, presiding.

Dated this 29<sup>th</sup> day of April, 2025.

  
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Chief Justice

  
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Justices