

**Filed 10/12/04 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2004 ND 183

Interest of R.R.

North Dakota State Hospital,

Petitioner and Appellee

v.

R.R.,

Respondent and Appellant

No. 20040265

Appeal from the District Court of Stutsman County, Southeast Judicial District,
the Honorable John E. Greenwood, Judge.

AFFIRMED.

Per Curiam.

Jay A. Schmitz, Assistant State's Attorney, 511 Second Avenue SE,
Jamestown, N.D. 58401, for petitioner and appellee.

Jodie K. Scherr, P.O. Box 356, Valley City, N.D. 58072-0356, for respondent
and appellant.

Interest of R.R.

No. 20040265

Per Curiam.

[¶1] R.R. appeals a district court order authorizing his continued treatment at the North Dakota State Hospital at Jamestown until November 19, 2004, or until further court order. R.R. argues he is improperly being held in the secure forensic unit of the State Hospital, and the district court erred in not ruling he should be treated in a less secure unit. A district court must assess, before making its decision in an involuntary treatment hearing, the availability and appropriateness of treatment programs for the respondent “other than hospitalization.” N.D.C.C. § 25-03.1-21(1). The statute requires a district court only to determine whether treatment other than hospitalization is appropriate, not which unit in the hospital is appropriate. We, therefore, affirm under N.D.R.App.P. 35.1(a)(2).

[¶2] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
William A. Neumann
Mary Muehlen Maring

I concur in the result.
Carol Ronning Kapsner