VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF HENRICO

RECEIVED
JUN 04 2012
Henrico Commonwealth's
Attorney's Office

COMMONWEALTH OF VIRGINIA

Petitioner,

v.

Case No. CL 12-881-00

MICHAEL PAUGH

Respondent

ORDER

This day, came the parties, the Petitioner, the Commonwealth of Virginia, represented by Assistant Commonwealth's Attorney Paul C. Galanides, and the Respondent, Michael Paugh, and his counsel, Charles R. Samuels, Esq., for a hearing on a Petition for Involuntary Admission for Treatment for the Respondent. See Va. Code § 37.2-800 et. seq. Prior to the adjudication, the Court heard argument in support of Respondent's oral motion to dismiss. The Respondent relied upon the parties' stipulation that, following the adjudication of the petition for hospitalization by the Special Justice, the Respondent had been treated and subsequently released by a treating physician. The Respondent argued that his discharge compelled the dismissal of the current petition.

The Court denied the motion to dismiss and, thereafter, received evidence from the parties and, at the conclusion of the evidence, denied the appeal. The Respondent noted his objection to the denial of the motion to dismiss and to the denial of the appeal.

IT IS FURTHER hereby ordered that the Clerk certify copies of this Order to Charles R. Samuels, Esq., 4908 Monument Ave, Richmond, VA 23230 and to Paul C. Galanides, Assistant Commonwealth's Attorney.

Entered this 11 day of June, 2012.

Judge

A COPY TESTE:
YVONNE G. SMITH, CLERK

DEPUTY CLERK

Prepared by:

Paul C. Galanides
Assistant Commonwealth's Attorney
Office of the Commonwealth Attorney for Henrico County
P.O. Box 27032
Richmond, VA 23273
(804) 501-4218
(804) 501-4110 (facsimile)

Seen and Objected to on the grounds that the Court did not review the matter de novo as to the conditions on the date of the appeal as required by the Virginia Code and to the admission of hearsay evidence contained in the Virginia Prescreen Report.

Charles R. Samuels, Esq.
Counsel for the Respondent
4908 Monument Ave, Suite 100
Richmond, VA 23239
(804) 342-1995
(804) 342-1998 (facsimile)

ASSIGNMENTS OF ERROR

1. The trial court erroneously interpreted Va. Code Section 37.2-821 and Virginia law when considering whether the circuit court hearing was a trial de novo or a review of the special justice's decision.

2. The trial court erred in ruling that the entirety of the Pre-Admission Screening Report, hearsay included, should be admitted when Virginia Code Section 37.2-816 states that only the facts therein shall be admitted.

3. The trial court erred in ruling that Michael Paugh met the criteria for involuntary commitment at the time the de novo hearing was held.