

ADN.com

[Previous Story](#)

[Next Story](#)

Alaska Supreme Court vacates mental commitment for man who heard Jesus

By CASEY GROVE

casey.grove@adn.com December 24, 2013

[Facebook](#) [Twitter](#) [Google Plus](#) [Reddit](#) [E-mail](#) [Print](#)

Can a person who hears the voice of Jesus be involuntarily committed for mental health treatment?

That's a question the five justices on the Alaska Supreme Court wrestled with recently and attempted to answer in an opinion released Friday. In a 3-2 decision, the state's highest court vacated a lower court's decision that forced a Haines man to receive mental health treatment in 2010 after he said he heard Jesus' voice telling him to do things.

The man -- referred to as "Stephen O." in the opinion, for privacy reasons -- had tried to kill himself years earlier while hearing voices, and his family worried in 2010 that he might hurt himself again, the court's opinion says. A Juneau Superior Court judge eventually agreed with the family and a psychiatrist. The judge labeled the man "gravely disabled," sending him to a mental hospital.

That legal definition, necessary to meet the high standard for involuntary commitment in Alaska, also carried lasting consequences, potentially limiting the man's options for employment or owning guns.

According to the state Supreme Court's opinion, this is what happened:

Stephen O.'s mental health issues started in 2004, while he was in Olympia, Wash.

He told the psychiatrist in the 2010 commitment hearing that, back in 2004, "he had felt 'extremely fearful' during that episode and heard the voice of Lucifer, whom he believed was threatening him," the Supreme Court opinion says. He asked members of a church to take him to a hospital. At the hospital, he crawled onto a ledge 16 to 18 feet from the ground.

Stephen jumped.

"He broke his ankle, gashed his head, sustained a concussion, and was temporarily wheelchair-bound as a result," the opinion says.

VOICE OF CHRIST

Doctors prescribed an anti-psychotic drug that Stephen took for a year or two. By 2009, Stephen was living in Haines and had been married 11 years, but his wife had left him that May. Stephen still had partial custody of his two children.

"In the weeks leading up to the holiday that year, Stephen had been 'a little nervous' because his children were about to depart for a visit to their mother in Seattle for their Christmas vacation, the first Christmas he had spent without the children in a decade," the opinion says. "Stephen testified that when the children returned from their visit shortly after Christmas, he began to hear the voice of Jesus speaking to him, telling Stephen that his sins were forgiven and he should 'get on a path of repentance.'"

The voice told him to go to church and talk to a neighbor across the street who attended a Pentecostal church, which Stephen did.

All of this was deeply concerning to Stephen's family, particularly his father and daughter. The daughter said Stephen would wake her up in the night to talk about Jesus and going to church, and his behavior was "creeping her out." It was the same sort of behavior that led up to Stephen's prior suicide attempt, the father said.

The family went to a Haines doctor, who got a court order to involuntarily commit Stephen at the closest appropriate facility, which was in Juneau. Haines police took him into custody Jan. 8, 2010, but the weather was too poor to take Stephen to Juneau, so he stayed in a Haines jail cell until Jan. 14.

In Juneau, the psychiatrist evaluating Stephen O. said the man did not want to take medication because it put him out of touch with his emotions. Stephen also feared the drugs would stop him from hearing Jesus's voice. Stephen also discussed how he had not been raised in a very religious household and that he had started going to church as an adult.

The hearing for an involuntary, 30-day commitment was held Jan. 20 in Juneau Superior Court. Part of the hearing focused on whether Stephen was having a deeply religious experience or delusions. The psychiatrist's opinion was that Stephen was delusional.

A person's religious beliefs, if they come from how the person was raised, are generally considered rational, the psychiatrist said, according to the Supreme Court opinion.

"However, in (Stephen's) case, the religiosity that he manifested started five years ago and led him to behave in a way that was substantially dangerous to himself, and could have killed him," the psychiatrist said. "And it doesn't come from a cultural, historical context. It comes out of the blue."

The voices were back, the psychiatrist said, and that meant Stephen was a danger to himself again.

The judge ultimately agreed, making the legal finding that Stephen was gravely disabled and committed him for 30 days. But in another hearing soon after, the judge denied a state petition to medicate Stephen involuntarily. The hospital discharged him Jan. 29, because "Stephen refused to take medication voluntarily, and 'gains would not be achieved without medication.'"

'DIFFICULT CASE'

In the opinion released Friday, the three justices in the majority who vacated Stephen's commitment -- Craig Stowers, Daniel Winfree and Peter Maassen -- said the Superior Court judge had been wrong in finding that Stephen was disabled and a risk to himself.

There were lingering consequences from the involuntary commitment, they wrote. That included "social stigma, adverse employment restrictions, application in future legal proceedings, and restrictions on the right to possess firearms," the opinion says.

The evidence at the commitment hearing was not clear and convincing, wrote the justices in the majority. That included the daughter's vague statement that her father was "creeping her out," because the psychiatrist did not actually talk to the daughter, making the statement somewhat less reliable, the opinion says. And while Stephen claimed to have heard Jesus's voice after having hurt himself after hearing voices in 2004, he was otherwise doing well in 2010, taking care of himself and his children, the justices wrote.

In the majority opinion's final point, the justices disagreed with the psychiatrist's opinion that Stephen's lack of regular church attendance or his connection to religion during a time of stress meant he was delusional when he heard Jesus' voice.

"In any event, even if Stephen's beliefs did come about suddenly, this should not undermine their validity," the opinion says. "More to the point, there was nothing harmful or dangerous about Stephen's religious beliefs or experiences. ... Further, as Stephen points out in his brief, if 'chronic psychosis' means merely a continuation of his current symptoms, namely a persistent sense that Jesus is speaking to him and telling him to attend church, follow his teachings, and have an optimistic outlook on the future, that condition would in no way compromise Stephen's capacity to function independently or live safely."

Chief Justice Dana Fabe and Justice Walter Carpeneti, now retired, disagreed with the other three justices, not on whether Stephen had been delusional, but on the issues of the case the Alaska Supreme Court was even allowed to consider. The high court should only deal with mistakes of procedure and should not re-weigh the evidence presented in the trial court, wrote Carpeneti in the dissenting opinion.

He called it "a difficult case."

"An experienced trial judge, after hearing from the patient and a psychiatrist who reported the family's concerns, found facts sufficient to support the determination that the patient was gravely disabled," Carpeneti wrote in the Friday opinion. "Today's majority reverses that finding by re-weighing the evidence and substituting its judgment for the trial court's and by requiring a predictive capacity that no expert will be able to satisfy."

Reach Casey Grove at casey.grove@adn.com or 257-4343. Twitter updates: twitter.com/kcgrove.

[Facebook](#)[Twitter](#)[Google Plus](#)[Reddit](#)[E-mail](#)[Print](#)

Join The Conversation

Anchorage Daily News is pleased to provide this opportunity to share information, experiences and observations about what's in the news. Some of the comments may be reprinted elsewhere in the site or in the newspaper. We encourage lively, open debate on the issues of the day, and ask that you refrain from profanity, hate speech, personal comments and remarks that are off point. Thank you for taking the time to offer your thoughts.

[Commenting FAQs](#) | [Terms of Service](#)

Today's Circulars



SA
ED



GUITAR CENTER
VALID UNTIL DEC 31



MENARDS
VALID UNTIL FEB 28



SPORTS AUTHORITY
3 DAYS LEFT



MUSICIAN'S
VALID UNTIL

[View All Circulars](#)

- [Email Newsletters >](#)
- [Manage newsletter subscriptions](#)
- [Tablets >](#)
- [Apps and services for tablet devices](#)
- [Mobile >](#)
- [Apps and services for your mobile phone](#)
- [Social Media >](#)
- [Get updates via Facebook and Twitter](#)
- [e-Edition >](#)
- [Your daily paper delivered to your computer](#)
- [Home Delivery >](#)
- [Manage your home delivery account](#)
- [Digital Subscriptions >](#)
- [Manage your online subscriptions](#)



© 2013 www.adn.com and wire service sources. All Rights Reserved. <http://www.adn.com>