
This memorandum is uncorrected and subject to revision before publication in the New York Reports.

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In the Matter of Simone D.
(Anonymous),

Appellant;

Kathleen Iverson, &c.,

Respondent.

Kim L. Darrow, for appellant.
Patrick J. Walsh, for respondent.
Disability Advocates, Inc. et al.; New York State
Psychiatric Association, amici curiae.

MEMORANDUM:

The order of the Appellate Division should be affirmed without costs.

Petitioner, the acting director of Creedmoor

Psychiatric Center, sought permission to administer

electroconvulsive therapy (ECT) to a patient at the center

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without the patient's consent. Supreme Court granted the application, and the Appellate Division affirmed, two Justices dissenting. The patient appeals to us as of right, pursuant to CPLR 5601 (a).

The sole ground for the patient's appeal is that Supreme Court improperly limited the patient's cross-examination of the State's psychiatric expert witness. We agree with the Appellate Division majority that, when the cross-examination is viewed as a whole, the record shows no abuse of discretion. While specific evidentiary rulings can be debated, the patient's attorney was allowed to and did make clear to the Court all the claimed weaknesses in the psychiatrist's testimony. The record does not show that Supreme Court excluded any evidence material to the only disputed issue: whether the proposed treatment was narrowly tailored to give substantive effect to the patient's liberty interest, taking into consideration all relevant circumstances (Rivers v Katz, 67 NY2d 485, 497-498 [1986]).

Order affirmed, without costs, in a memorandum. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided June 27, 2007