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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

ALVIN ESTEVA,

Defendant and Appellant.

B278778

(Los Angeles County
Super. Ct. No. MA056125)

APPEAL from a judgment of the Superior Court of Los Angeles County, Charles A. Chung, Judge. Appeal dismissed.

Christopher L. Haberman, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Michael C. Keller and Eric J. Kohm, Deputy Attorneys General, for Plaintiff and Respondent.

In 2012, Alvin Esteva was diagnosed with bipolar mania after attacking his wife. He was involuntarily committed to a mental institution for a period not to exceed six years, where he received treatment including psychotropic medication. Esteva requested release from the institution at every six-month review hearing, but the superior court denied each request on the ground that treating mental health professionals recommended he remain hospitalized. However, in 2016, the mental health professionals concluded Esteva no longer posed a danger to the community and recommended that he be released to supervised community outpatient treatment. The superior court nevertheless denied his latest petition for release, finding the mental health professionals' opinions failed to establish that Esteva was no longer a danger to the community.

On appeal, Esteva contends the superior court abused its discretion by disregarding unanimous medical opinion and denying his petition. He requests that we direct the trial court to order him released to supervised community outpatient treatment.

On our own motion we took judicial notice of the trial court's docket in this matter, particularly the entry indicating Esteva reached his maximum term of confinement on September 1, 2017, while this appeal was pending, and was released on that date. (Evid. Code, § 452, subd. (d).) We then sought and obtained a supplemental brief from Esteva's counsel as to whether this appeal is moot.

Counsel now contends the appeal is moot and should be dismissed. We agree.

DISPOSITION

The appeal is dismissed.

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CHANEY, J.

We concur:

ROTHSCHILD, P. J.

JOHNSON, J.