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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

CARLIN MELVIN GOODE,

Defendant and Appellant.

2d Crim. No. B294162  
(Super. Ct. No. 18PT-00899)  
(San Luis Obispo County)

Carlin Melvin Goode appeals an order committing him for treatment as a mentally disordered offender (MDO). (Pen. Code, §§ 2962, 2966.)<sup>1</sup> He contends no substantial evidence supports the finding that he poses a serious threat of physical harm to others beyond a reasonable doubt. We affirm.

**BACKGROUND**

Goode suffers from schizoaffective disorder, bipolar type. He was convicted of making criminal threats in 2016 after he threatened a Dollar Store employee with a stolen knife. (§ 422.)

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<sup>1</sup> All statutory references are to the Penal Code.

He was 26 years old and living as a transient. His criminal history included a conviction for battery with serious bodily injury. (§ 243, subd. (d).) The court sentenced him to three years in state prison.

While in prison, Goode received treatment for his mental disorder. Prior to his release on parole, the Board of Prison Terms determined he meets the criteria to be committed for involuntary treatment as an MDO. Goode filed a petition for hearing pursuant to section 2966, subdivision (b). He waived his right to a jury trial.

At the bench trial, a forensic psychologist from Atascadero State Hospital, Dia Gunnarsson, described Goode's mental disorder. She opined that it was a cause of the commitment offense. She said Goode is not in remission and he presents a substantial danger of physical harm to others as a result of his disorder. Gunnarsson based her opinion on an interview with Goode; consultations with his treating psychiatrist, psychologist, and social worker; and review of his treatment and criminal history records.

When Gunnarsson interviewed Goode, he did not recall the events at the Dollar Store leading up to his arrest. He told Gunnarsson he was convicted because in the police car he yelled, "I will kill you." He said the police officer misunderstood this to be a threat. Goode said he was only making a statement "to the air." Gunnarsson testified that in October 2017, while Goode was in prison, he made similar threats. He was placed in a "mental health crisis bed."

Goode showed improvement after he was medicated at the state hospital, but he was not in remission. Four months before trial, staff heard him yelling in his room. He told staff that his

parents were in his room, they were “messaging” with him, and they wanted to kill him. He said he was not hearing voices. He told staff, “You don’t know what the fuck you are doing. Get real jobs if you can’t even keep me safe from my parents.” A month earlier, staff saw him talking to people who weren’t there. He said, “I’m not doing that. Those staff are lying on me. I want their names.” Goode acknowledged to Gunnarsson that he has a mental illness and that he has heard voices in the past, but he did not acknowledge he had heard them recently.

Gunnarsson did not believe Goode could be kept in remission without treatment. His attendance at group sessions was not strong, he required prompts to take his medication, and he was caught “cheeking” his medication three months before trial.

Gunnarsson opined that Goode represents a substantial risk of physical harm to others by reason of his disorder based on his level of insight, discharge plans, history, and remission status. His criminal history includes the commitment offense, the October 2017 threat, and his prior convictions, including battery. He also has a history of substance abuse including marijuana and methamphetamine, substances which would impact his medication. Gunnarsson acknowledged that Goode did not touch anyone during the commitment offense and she did not know the facts underling his prior convictions.

Gunnarsson said Goode has some reasonable plans for discharge, and his parents are a source of support. However, the recent “cheeking” incident and his lack of a drug relapse prevention plan caused Gunnarsson to be concerned that Goode could not follow through successfully if released.

Guy Washington, M.D. testified on behalf of Goode. He opined that Goode does not pose a substantial danger to others because Goode has never touched or harmed anyone before. Goode meets the other criteria for commitment. In Washington's opinion, Goode's history of threats of violence suggests he is not dangerous because he has never acted on them. Washington did not know what the knife used in the commitment offense was made of. He said he is aware that Dollar Stores may sell toy knives. He acknowledged that Goode has a prior conviction for battery. He did not know the facts underlying that conviction.

#### DISCUSSION

Goode contends there is insufficient evidence to support the finding beyond a reasonable doubt that he poses a serious threat of physical harm to others. (§ 2962, subd. (d)(1).) He does not challenge the other commitment criteria.

We review the record for substantial evidence – evidence that is reasonable, credible, and of solid value – to support the trial court's finding that he is dangerous. (*People v. Clark* (2000) 82 Cal.App.4th 1072, 1082.) We must decide whether a rational trier of fact could have found that Goode poses a serious threat of physical harm to others beyond a reasonable doubt, considering the record as a whole, in the light most favorable to the trier of fact's determination. (*Ibid.*)

The “dangerousness” finding is constitutionally necessary to an MDO commitment, and it may not be based solely on the prisoner's mental illness or the role of that illness in the underlying offense. (*People v. Gibson* (1988) 204 Cal.App.3d 1425, 1436 [finding predecessor MDO statute violated the equal protection clause because it did not require proof of present dangerousness].) Compliance with the statutory requirements is

necessary to guarantee that commitments are not arbitrary and comport with due process. (*People v. Bendavid* (2018) 30 Cal.App.5th 585, 587-588.)

Gunnarsson's opinion that Goode is currently dangerous constitutes substantial evidence to support a civil commitment because it is based on assumptions that are supported by evidence. (*People v. Bowers* (2006) 145 Cal.App.4th 870, 879.) Goode's history of threats of violence coupled with his lack of insight about his recent symptoms supports Gunnarsson's opinion that he is currently dangerous. The police report and Goode's criminal history were in evidence.

Goode contends he has never harmed anyone. He has a prior conviction for battery resulting in serious bodily injury in violation of section 243, subdivision (d). Gunnarsson did not know the facts underlying the conviction, but the conviction itself required proof of injury.

Goode contends the commitment offense involved a toy knife. The record does not support his contention. Defense counsel asked Gunnarsson and Washington if the knife could have been a toy. Each replied they could not say. The record, however, supports the finding that it was real. The police report states that a witness saw Goode take the "3-inch green knife" from a "display case" in the "Kitchen aisle." When an employee insisted that he pay for it, Goode "reached for the knife and took it out of its wrapping[,] . . . took the sheath off the knife and ran towards [her,]" and "screamed 'I'll fucking kill you.' as he ran towards [her]." "Fearing for her life, [she] ran back inside the store." Goode screamed after her, "I'm going to come back and shoot all of you." The employee said she was "in such fear, she felt she could have urinated on herself."

Goode points to “inconsistencies” and “contradictions” in the evidence. But we resolve all conflicts in favor of the judgment and do not reweigh or reinterpret the evidence on appeal. (*People v. Pace* (1994) 27 Cal.App.4th 795, 798.)

DISPOSITION

The judgment (MDO commitment order) is affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Hernaldo J. Baltodano, Judge  
Superior Court County of San Luis Obispo

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