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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

I.H.,

Defendant and Appellant.

A173025

(Napa County Super. Ct.
No. 25PR000033)

MEMORANDUM OPINION¹

In 2016, I.H. was committed to the State Department of State Hospitals (DSH) after having been found not guilty by reason of insanity. (Pen. Code, § 1026.) In February 2025, DSH petitioned to renew an order permitting involuntary administration of antipsychotic medication. It alleged he has a schizoaffective disorder, bipolar type, with a history of psychotic symptoms, such as delusions and thought disorganization, as well as mood disturbance, with symptoms including irritability and hyperactivity. According to the petition, verified by a staff psychiatrist, he has history of noncompliance with taking antipsychotic medications — resulting in rapid decompensation of his mental health — and lacks insight into his mental

¹ We resolve this matter by memorandum opinion. (Cal. Stds. Jud. Admin., § 8.1; *People v. Garcia* (2002) 97 Cal.App.4th 847, 850–855.)

illness. A hearing was scheduled for the following month, and the trial court appointed counsel to represent him.

Napa County's court reporter policy, as relevant here, states that the court does not provide official court reporter services in proceedings where such services are not legally mandated, such as civil law and motion and family law matters.² In those cases, counsel must arrange for a private court reporter to be present. But for those cases in which a current fee waiver is on file with the court, parties may request the services of an official court reporter, and the court will waive the court reporter fees for that service.

At the March 20, 2025 hearing, I.H. and his attorney appeared via Zoom. No one requested a court reporter, nor was there an objection to the lack of a reporter. A staff psychiatrist testified; it appears no exhibits were offered or admitted into evidence. After counsels' arguments, the trial court found I.H. lacks the capacity to refuse treatment and authorized the involuntary administration of antipsychotic medication for not more than one year.

I.H. appeals. He argues the trial court's failure to provide a court reporter for the hearing violated his right to meaningful appellate review, as well as his state and federal rights to due process and equal protection.

Persons found not guilty by reason of insanity have a protected liberty interest to be free from the involuntary administration of antipsychotic medication. (*Sell v. United States* (2003) 539 U.S. 166, 178; *In re Qawi* (2004) 32 Cal.4th 1, 14; *In re Greenshields* (2014) 227 Cal.App.4th 1284, 1289.) They have a right to a hearing to determine whether they are incompetent to

² We grant the People's unopposed request for judicial notice of the trial court's policies. (Evid. Code, §§ 452, subd. (c), 459; *Smith v. Superior Court* (2020) 52 Cal.App.5th 57, 62, fn. 1.)

refuse medication. (*Greenshields*, at p. 1290.) I.H. received such a hearing but, as he acknowledges, he neither requested that the hearing be reported nor objected to the lack of a reporter.

A litigant who fails to challenge “an assertedly erroneous ruling of the trial court in that court has forfeited” the right “to raise the claim on appeal.” (*In re Sheena K.* (2007) 40 Cal.4th 875, 880.) And though forfeiture does not *preclude* our review of the asserted constitutional claims, we decline to review them. (*Id.* at pp. 887–888, fn. 7 [for example, courts have exercised their discretion to review a forfeited constitutional issue where a defendant did not have a meaningful opportunity to object]; *People v. Williams* (1998) 17 Cal.4th 148, 161–162, fn. 6 [“Whether or not” to reach a “question that has not been preserved for review” is “entrusted to [the court’s] discretion”]; *People v. Blanco* (1992) 10 Cal.App.4th 1167, 1172 [addressing constitutional questions in the absence of objections].) We cannot discern how I.H.’s claim impacted his substantial rights. (*Sheena K.*, at p. 887, fn. 7 [courts generally exercise their discretion “only when a forfeited claim involves an important issue of constitutional law or a substantial right”].) Although Napa County Superior Court’s policy indicates the court does not provide a court reporter in civil proceedings, it expressly states that indigent litigants will be given a reporter upon request with no fees. (*Jameson v. Desta* (2018) 5 Cal.5th 594, 623 [indigent litigants in civil matters are entitled to a court reporter upon request]; *People v. Martinez* (2016) 246 Cal.App.4th 1226, 1238 [not guilty by reason of insanity “commitment is civil in nature and directed toward treating” the patient, not punishment].) Thus, I.H. could have requested the hearing be reported but did not.

DISPOSITION

The order is affirmed.

RODRÍGUEZ, J.

WE CONCUR:

FUJISAKI, Acting P. J.

PETROU, J.

A173025; *People v. I.H.*