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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL JUSTIN CLARK,

Defendant and Appellant.

A172362

(Contra Costa County  
Super. Ct. Nos. 04-24-01381, 04-  
22-01303; 04-22-01238)

MEMORANDUM OPINION<sup>1</sup>

Defendant Michael Clark appeals from a trial court order authorizing the involuntary administration of antipsychotic medication under Penal Code<sup>2</sup> section 1370, subdivision (a)(2)(B), after he was found incompetent to stand trial. The parties agree that the appeal is moot because Clark has since been restored to competency. Still, Clark asks this court to exercise its discretion to reach the merits of his claims that (1) the entry of an involuntary medication order (IMO) without an evidentiary hearing denied

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<sup>1</sup> We resolve this case by a memorandum opinion pursuant to California Standards of Judicial Administration, standard 8.1.

<sup>2</sup> All further statutory references are to the Penal Code unless otherwise noted.

him due process and equal protection and (2) a recent decision rejecting the same arguments was wrongly decided. We decline to exercise our discretion to consider moot claims and therefore dismiss the appeal.

Resolving this appeal does not require us to discuss the underlying facts or the details of Clark's mental condition. In August 2023, Clark pled no contest to a felony count of second degree burglary in no. 04-22-01238 and a felony count of driving or taking a vehicle without consent in no. 04-22-01303.<sup>3</sup> The trial court suspended imposition of the sentence and placed him on probation for two years.

About a year later, in July 2024, Clark was charged in no. 04-24-01381 with five felony counts: two counts of vandalism over \$400, two counts of second degree burglary, and one count of driving or taking a vehicle without consent.<sup>4</sup> The complaint also alleged that Clark violated probation in his other two cases.

In October 2024, the trial court declared a doubt about Clark's competency to stand trial based on his counsel's representations. The court appointed two doctors to evaluate Clark, but Clark refused to meet with either of them. One doctor concluded that Clark was not competent based on a records review and previous interactions with him, and the other doctor was unable to reach a conclusion.

In December 2024, after the parties submitted on the first doctor's report, the trial court found Clark not competent and suspended the criminal

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<sup>3</sup> The convictions were under section 459 (burglary) and Vehicle Code section 10851, subdivision (a) (driving or taking vehicle).

<sup>4</sup> The charges were brought under sections 594, subdivision (a) (vandalism), and 459 (burglary) and Vehicle Code section 10851, subdivision (a) (driving or taking vehicle).

proceedings. The court deferred consideration of whether an IMO was appropriate to the subsequent commitment hearing.

Before the January 14, 2025 commitment hearing, Clark filed a request that the trial court hold an evidentiary hearing before granting an IMO. At the commitment hearing, based on a report by the county's Conditional Release Program, the court ordered Clark committed to the Department of State Hospitals for two years. The court denied his request for an evidentiary hearing, holding that neither section 1370 nor principles of due process and equal protection required one. The court then entered an IMO under section 1370, subdivision (a)(2)(B). This appeal followed.

In his opening brief, Clark reported that on April 15, 2025, he was restored to competency, and the following month he entered a plea, admitted the probation violations, and was placed on probation.<sup>5</sup> He admits that his challenge to the entry of an IMO without an evidentiary hearing is therefore moot, but he urges us to reach the merits of his appeal because it “presents an important question that is likely to evade appellate review but may recur in the future.”

“A court is tasked with the duty ‘to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it.’ ” (*In re D.P.* (2023) 14 Cal.5th 266, 276.) We have discretion to consider otherwise moot

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<sup>5</sup> Clark requested that we take judicial notice of the dockets in his three superior court cases, and the Attorney General joined the request. The request for judicial notice is procedurally improper. (See Cal. Rules of Court, rules 8.252(a)(1), 8.366(a).) Nevertheless, based on the parties' agreement, we take judicial notice that Clark was restored to competency on the specified date. (See Evid. Code, § 452, subd. (d).)

appeals “if they present important questions affecting the public interest that are capable of repetition yet evade review.” (*In re Damian L.* (2023) 90 Cal.App.5th 357, 369; *D.P.*, at p. 282.)

We conclude that appellate review of the merits is unwarranted. Although we agree with Clark that this appeal raises serious issues affecting the public interest, we are not persuaded that they are likely to evade review. Indeed, as Clark recognizes, Division Two of this court recently reached and rejected essentially identical claims that “the trial court violated [the defendant’s] rights to due process and equal protection when it issued [an IMO] without first affording [the defendant] an evidentiary hearing.” (*People v. Lewis* (2025) 111 Cal.App.5th 1078, 1086, review den. Sept. 3, 2025, S291967.) Clark happened to regain competency relatively quickly, and he fails to show that future appeals raising similar issues are likely to become moot or that the other case-specific facts he mentions justify reaching the merits here.

The appeal is dismissed as moot.

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Humes, P. J.

WE CONCUR:

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Langhorne Wilson, J.

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Smiley, J.

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