An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-175

No. COA21-343

Filed 15 March 2022

Durham County, No. 20SPC2122

IN THE MATTER OF: D.C-F.

Appeal by Respondent from order entered 8 January 2021 by Judge Pat Evans in Durham County District Court. Heard in the Court of Appeals 12 January 2022.

Attorney General Joshua H. Stein, by Assistant Attorney General Jessica Macari, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Emily Holmes Davis, for Respondent-Appellant.

DILLON, Judge.

¶ 1 Respondent D.C-F. appeals from an Involuntary Commitment Order entered 8 January 2021 committing her to an inpatient facility for a period not to exceed thirty (30) days.

I. Background

¶ 2 On 7 December 2020, an affidavit and petition for involuntary commitment was filed alleging that Respondent was mentally ill and dangerous to self or others.

On 8 January 2021, Respondent's involuntary commitment hearing was held in Durham County. The State was not represented by counsel at the hearing and Respondent's counsel objected to proceeding without a representative from the State. The trial court overruled Respondent's objection and called a psychiatrist as a witness. Respondent also testified in her defense.

¶ 3 At the conclusion of the hearing, the trial court determined that Respondent was mentally ill and dangerous to herself and involuntarily committed her to up to thirty (30) days of inpatient treatment. Respondent appealed to our Court from the Involuntary Commitment Order.

II. Analysis

¶ 4 Respondent argues that "[w]hen the State refused to appear at [her] commitment hearing, the trial court violated [her] due process right to an impartial tribunal by assuming the role of prosecutor, eliciting all the State's evidence, and using that evidence to involuntarily commit [her.]"

¶ 5 We recognize that Respondent is raising this argument for preservation purposes. However, our Court is bound by our previous decision in *In re C.G.*, 278 N.C. App 416, 2021-NCCOA-344. In *In re C.G.*, we determined that the trial court did not violate the respondent's right to an impartial tribunal by calling the State's witness and asking open-ended questions. *Id.* at ¶ 25. Respondent raises the same issue here under similar facts. Therefore, we affirm the trial court's Involuntary

Commitment Order. *See In re Civil Penalty*, 324 N.C. 373, 384, 379 S.E.2d 30, 37 (1989) ("Where a panel of the Court of Appeals has decided the same issue, albeit in a different case, a subsequent panel of the same court is bound by that precedent, unless it has been overturned by a higher court.").

III. Conclusion

¶ 6 For the foregoing reasons, we affirm the trial court's Order.

AFFIRMED.

Judges WOOD and JACKSON concur.

Report per Rule 30(e).