COMMONWEALTH OF MASSACHUSETTS DISTRICT COURT DEPARTMENT

, SS.	DIVISION
	Docket No
In re: Commitment of JOHN DOE)) NOTICE OF APPEAL))
Notice is hereby given that Appe	ellant-Respondent, John Doe, appeals from the Order of
this Court (Jones, J.), dated January 28,	1997, committing him to the
State Hospital for a period of twelve mo	onths, pursuant to G.L. c. 123, § 16(c), and restricting his
movements to the buildings and grounds	s thereof, pursuant to <u>G.L. c. 123, § 16(e)</u> .
As grounds therefor, Appellant-l	Respondent hereby asserts:
1. That the evidence presen	ated at trial was insufficient as a matter of law to support
the Court's finding that the failur	re to retain Appellant-Respondent at the
State Hospital would create a lik	celihood of serious harm, beyond a reasonable doubt. See
G.L. c. 123, § 1 and § 8(a); Wor	rcester State Hospital v. Hagberg, 374 Mass. 271 (1978).
2. That the Court failed to f	find that there exists no setting less restrictive of
Appellant's-Respondent's liberty	at which he could be appropriately and safely treated,
said finding being a prerequisite	for commitment under G.L. c. 123. <u>Commonwealth v.</u>
<u>Nassar</u> , 380 Mass. 908 (1980). F	Furthermore, the evidence presented at trial was
insufficient as a matter of law to	support such a finding, beyond a reasonable doubt.

	Pagnostfully submitted
(Date)	Respectfully submitted, John Doe
	By his Attorney:

3. That the evidence presented at trial was insufficient as a matter of law to warrant, and

Appellee-Petitioner had not requested, restriction of Appellant's-Respondent's

movements to the buildings and grounds of the Massachusetts State Hospital.