**COMMONWEALTH OF MASSACHUSETTS**

**MIDDLESEX, ss DISTRICT COURT DEPARTMENT**

**[city/town] Division**

**Docket No. XXX**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**)**

**XXX )**

**APPELLANT-RESPONDENT)**

**)**

**v. ) NOTICE OF APPEAL**

**)**

**XXX HOSPITAL )**

**APPELLEE-PETITIONER )**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )**

Appellant-Respondent, XXX, gives notice through her attorney pursuant to G.L. c. 123, § 9(a) that she is appealing from Orders of this Court (XXX, J.), dated XXX, which commit her to XXX Hospital for a period up to XXX months, pursuant to G.L. c. 123, s. 7&8, and authorize medical treatment pursuant to G.L. c. 123, § 8B.

As grounds for this Appeal, Appellant-Respondent asserts that:

1. The evidence presented at trial was insufficient as a matter of law to support the Court’s finding beyond a reasonable doubt that failure to retain Appellant-Respondent at XXX Hospital would create a “likelihood of serious harm,” i.e., a substantial and imminent risk of serious injury, to self or others by reason of mental illness. G.L. c. 123, s. 1 and s. 8(a); *Superintendent of Worcester State Hospital v. Hagberg,* 374 Mass. 271, 272, 276-277 (1978); *Matter of G.P.,* 473 Mass. 112, 127-128 (2015).
2. The evidence presented at trial was insufficient as a matter of law to support the Court’s finding beyond a reasonable doubt that there exists no less restrictive alternative to the Appellant-Respondent’s involuntary civil commitment, said finding being a prerequisite for commitment under G.L. c. 123. *Commonwealth v. Nassar*, 380 Mass. 908, 917-918 (1980); *Superintendent of Worcester State Hospital v. Hagberg,* 374 Mass. 271, 272, 276-277 (1978).
3. The Court erroneously denied Appellant-Respondent’s Motion in Limine to Exclude Opinion Evidence from Hearing pursuant to G.L. c. 123, s. 8B, and admitted privileged communications into evidence over Appellant-Respondent’s objections.
4. The admissible evidence was insufficient as a matter of law to support the Court’s allowance of XXX Hospital’s Petition for Determination of Incompetence and Authorization for Medical Treatment pursuant to G.L. c. 123, s. 8B.

Respectfully submitted,

XXX

Respondent-Appellant,

By her attorney,

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XXXX

CERTIFICATE OF SERVICE

I certify that on this [DATE], I served the within “8C Appeal on the Record of Proceedings” via email and U.S. Mail to counsel for Appellee-Petitioner as follows:

Atty. [NAME]

[ADDRESS 1]

[ADDRESS 2]

[TELEPHONE]

[FAX]

[EMAIL]

DATED:\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[YOUR NAME]