

**FILED: April 17, 2013**

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of D. B., Alleged to be a Mentally Ill Person.

STATE OF OREGON,  
Respondent,

v.

D. B.,  
Appellant.

Morrow County Circuit Court  
11M003

A149461

Ronald J. Pahl, Judge.

Submitted on March 01, 2013.

Michael Breiling filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Andrew M. Lavin, Assistant Attorney General, filed the brief for respondent.

Before Ortega, Presiding Judge, and Sercombe, Judge, and Hadlock, Judge.

PER CURIAM

Reversed.

1                   PER CURIAM

2                   Appellant seeks reversal of the trial court's judgment committing him as a  
3 mentally ill person for a period not to exceed 180 days. ORS 426.130. In his third  
4 assignment of error, he contends that the trial court erred in denying him counsel "or  
5 alternatively, in allowing him to waive his rights to counsel without sufficient inquiry."  
6 *See* ORS 426.100(3). The state concedes that the trial court erred in allowing appellant to  
7 represent himself at the involuntary commitment hearing without an express waiver and  
8 that, accordingly, the trial court's judgment should be reversed. We agree, accept the  
9 state's concession, and reverse on that basis. Accordingly, we do not address appellant's  
10 first and second assignments of error.

11                   Reversed.