

IN THE COURT OF APPEALS OF THE STATE OF OREGON

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

STATE OF OREGON,  
Respondent,

v.

D. R. B.,  
Appellant.

Jackson County Circuit Court  
11664MC

A150388

Lisa C. Greif, Judge.

Submitted on February 01, 2013.

Susan D. Isaacs filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Jake J. Hogue, 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 second  
4 assignment of error, he contends that the trial court erred in concluding that he is a danger  
5 to others as a result of a mental disorder. *See* ORS 426.005(1)(e). The state concedes  
6 that the record does not contain legally sufficient evidence to support the involuntary  
7 commitment and that the trial court's judgment should be reversed.<sup>1</sup> We agree, accept the  
8 state's concession, and reverse on that basis. Accordingly, we do not address appellant's  
9 first and third assignments of error.

10                   Reversed.

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<sup>1</sup> In particular, "the state concedes that the trial court erred in relying on [certain] hearsay statements for their truth, and basing its decision on those statements."