

FILED: October 2, 2013

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of J. J. A.,
Alleged to be a Mentally Ill Person.

STATE OF OREGON,
Respondent,

v.

J. J. A.,
Appellant.

Multnomah County Circuit Court
130161019

A153542

Henry Kantor, Judge.

Submitted on August 02, 2013.

Garrett A. Richardson and Multnomah Defenders, Inc., filed the brief for appellant.

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

Before Armstrong, Presiding Judge, and Nakamoto, Judge, and Egan, Judge.

PER CURIAM

Reversed.

1 PER CURIAM

2 Appellant seeks reversal of a judgment committing him as a mentally ill
3 person for a period not to exceed 180 days. ORS 426.130. He asserts that the state failed
4 to prove, by clear and convincing evidence, that, because of a mental disorder, he is
5 unable to provide for his basic personal needs. ORS 426.005(1)(e)(B). The state
6 concedes that the evidence is legally insufficient to support the involuntary commitment
7 and that the judgment cannot stand. We agree, accept the state's concession, and reverse
8 on that basis. Accordingly, we do not address appellant's other, unpreserved assignment
9 of error, in which he contends that the trial court erred in failing to advise him of the
10 possible results of the commitment proceeding as required by ORS 426.100(1)(c).

11 Reversed.