

**FILED: October 15, 2014**

IN THE COURT OF APPEALS OF THE STATE OF OREGON

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

STATE OF OREGON,  
Respondent,

v.

N. D. P.,  
Appellant.

Lane County Circuit Court  
301206074

A151387

Maurice K. Merten, Judge.

Submitted on September 05, 2014.

James A. Palmer filed the brief for appellant.

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

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

PER CURIAM

Reversed.

---

**DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS**

Prevailing party: Appellant

- No costs allowed.  
 Costs allowed, payable by  
 Costs allowed, to abide the outcome on remand, payable by
-

1                   PER CURIAM

2                   Appellant seeks reversal of a judgment committing him for a period not to  
3 exceed 180 days. ORS 426.130. In his first assignment of error, he argues that the state  
4 failed to prove, by clear and convincing evidence, that, because of a mental disorder, he  
5 is a danger to himself or others. ORS 426.005(1)(e). The state concedes that the  
6 evidence is legally insufficient to support the involuntary commitment and that the  
7 judgment should be reversed. We agree, accept the state's concession, and reverse the  
8 judgment of commitment. As a result of that disposition, we need not reach appellant's  
9 other assignments of error.

10                   Reversed.