

FILED: December 31, 2014

IN THE COURT OF APPEALS OF THE STATE OF OREGON

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

STATE OF OREGON,
Respondent,

v.

L. J. L.,
Appellant.

Lane County Circuit Court
301306342

A154010

Maurice K. Merten, Judge.

Submitted on November 07, 2014.

James A. Palmer filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Tiffany Keast, 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
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1 PER CURIAM

2 Appellant seeks reversal of a judgment committing him for a period not to
3 exceed 180 days. ORS 426.130. The trial court found that appellant "is suffering from a
4 mental disorder, is a danger to himself and others, will not benefit from voluntary
5 commitment and although is able to provide for his basic personal needs, outside the
6 institutional setting is not now receiving such care as is necessary for his health or
7 safety." Appellant contends that the trial court erred in ruling (1) that appellant was a
8 danger to himself or others and (2) that he "was not receiving necessary care without state
9 intervention." The state concedes both errors--that is, it agrees with appellant that the
10 evidence is insufficient to support commitment based on danger to self or others and that
11 "the trial court erred by, having found appellant able to meet his basic needs, nonetheless
12 ordering him committed based on inability to meet basic needs." We agree and accept
13 the state's concessions. *See State v. K. K. G.*, 267 Or App 319, ___, ___P3d ___ (Nov 26,
14 2014) (slip op at 2) (holding that the trial court erred in ordering appellant's involuntary
15 commitment based on appellant "not receiving [such] care for his basic needs as is
16 necessary for health and safety even though the trial court found him able to provide for
17 his basic needs"). Accordingly, we reverse.

18 Reversed.