

FILED: October 8, 2014

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of G. M., Alleged to be a Mentally Ill Person.

STATE OF OREGON,
Respondent,

v.

G. M.,
Appellant.

Deschutes County Circuit Court
13MH0025

A154901

Gregory P. Lynch, Judge pro tempore.

Submitted on August 01, 2014.

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

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Carolyn Alexander, 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
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1 PER CURIAM

2 In this appeal, appellant seeks reversal of an order committing her for a
3 period not to exceed 180 days. ORS 426.130. She contends, in her first assignment of
4 error, that the trial court plainly erred when it failed to inform her of her right to subpoena
5 witnesses as required by ORS 426.100(1)(d). The state concedes the error, and we agree
6 that that failure constitutes plain error. *See State v. M. L. R.*, 256 Or App 566, 570-71,
7 303 P3d 954 (2013) (failure to inform a person of the right to subpoena witnesses
8 constitutes plain error warranting reversal). We further conclude, for the reasons
9 articulated in *M. L. R.*, that it is appropriate to exercise our discretion to correct the error.
10 Accordingly, we need not address appellant's second assignment of error, in which she
11 contends that the evidence in the record is insufficient to support an order of involuntary
12 commitment.

13 Reversed.