

**FILED: April 16, 2014**

IN THE COURT OF APPEALS OF THE STATE OF OREGON

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

STATE OF OREGON,  
Respondent,

v.

B. T.,  
Appellant.

Josephine County Circuit Court  
13M0080

A155397

Lindi L. Baker, Judge.

Submitted on March 07, 2014.

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

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Karla H. Ferrall, Assistant Attorney General, filed the brief for respondent.

Before Sercombe, Presiding Judge, and Hadlock, Judge, and Tookey, Judge.

PER CURIAM

Reversed.

1                   PER CURIAM

2                   Appellant seeks reversal of an order committing him for a period not to  
3 exceed 180 days. ORS 426.130. He first contends that the trial court committed plain  
4 error when it failed to advise him of his right to subpoena witnesses. *See* ORS  
5 426.100(1) (providing that the court shall advise the person of, among other things, "[t]he  
6 right to subpoena witnesses"). The state concedes that the trial court's failure constitutes  
7 plain error and requires reversal. We agree, accept the state's concession, and conclude  
8 that it is appropriate to exercise our discretion to correct the error. *See State v. M. L. R.*,  
9 256 Or App 566, 570-72, 303 P3d 954 (2013) (observing that "plain error review of  
10 violations of ORS 426.100(1) is justified by the nature of civil commitment proceedings,  
11 the relative interests of the parties in those proceedings, the gravity of the violation, and  
12 the ends of justice" and exercising discretion to correct the plain error (internal quotation  
13 marks omitted)). Because we reverse the judgment on that basis, we do not address  
14 appellant's second assignment of error.

15                   Reversed.