

**FILED: October 22, 2014**

IN THE COURT OF APPEALS OF THE STATE OF OREGON

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

STATE OF OREGON,  
Respondent,

v.

K. D.,  
Appellant.

Coos County Circuit Court  
6309

A156376

Richard L. Barron, Judge.

Submitted on September 05, 2014.

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

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

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

PER CURIAM

Reversed.

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**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 her for a period not to  
3 exceed 180 days. ORS 426.130. She asserts that "there is not clear and convincing  
4 evidence in the record that she was mentally ill as defined under ORS 426.005(1)(e)(C)"  
5 and that the trial court erred in concluding that she "was mentally ill as defined under"  
6 that provision. The state concedes that the record does not contain legally sufficient  
7 evidence to support the court's judgment committing appellant, pursuant to ORS  
8 426.005(1)(e)(C), "as a person with chronic mental illness" and that, accordingly, the trial  
9 court's judgment should be reversed. We agree, and accept the state's concession.

10                   Reversed.