

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

In the Matter of J. S.,
a Person Alleged to have a Mental Illness.

STATE OF OREGON,
Respondent,

v.

J. S.,
Appellant.

Marion County Circuit Court
16CC01272; A161618

Janet A. Klapstein, Judge pro tempore.

Submitted August 5, 2016.

Joseph DeBin and Multnomah Defenders, Inc., filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Dustin Buehler, Assistant Attorney General, filed the brief for respondent.

Before Duncan, Presiding Judge, and DeVore, Judge, and Garrett, Judge.

PER CURIAM

Reversed.

PER CURIAM

Appellant seeks reversal of an order entered pursuant to ORS 426.130 committing him to the Oregon Health Authority for a period not to exceed 180 days. Appellant argues that the record lacks sufficient evidence that appellant was a “person with mental illness” at the time of the hearing. *See* ORS 426.005(1)(f) (defining “person with mental illness” for purposes of ORS 426.130). The state concedes that the evidence in the record was legally insufficient for involuntary commitment on that basis. We agree, accept the state’s concession, and reverse.

Reversed.