

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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

STATE OF OREGON,
Respondent,

v.

S. T.,
Appellant.

Marion County Circuit Court
6635; A163139

Paula M. Bechtold, Judge.

Submitted October 6, 2017.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Christopher A. Perdue, Assistant Attorney General, filed the brief for respondent.

Before Lagesen, Presiding Judge, and DeVore, Judge, and James, Judge.

PER CURIAM

Reversed.

PER CURIAM

Appellant appeals the judgment committing him to the Oregon Health Authority for a period not to exceed 180 days pursuant to ORS 426.130. In the second of his three assignments of error, appellant argues that the record lacks sufficient evidence that, due to a mental disorder, appellant was a danger to self. The state concedes as to that assignment of error that “the evidence in the record does not meet the legal standard for involuntary commitment based on danger to self,” and that the error requires reversal of the trial court’s judgment.¹ We agree and accept the state’s concession. Appellant raises two additional assignments of error—that he did not receive a required notice and that there was insufficient evidence for the trial court to conclude that he was unable or unwilling to participate in voluntary treatment—but our reversal of the judgment based on appellant’s second assignment of error obviates the need to address the other assignments.

Reversed.

¹ The judgment—a check-the-box form—indicates that appellant was committed after the court determined that he was a person with a mental illness as defined in the statutory provision now numbered as ORS 426.005(1)(f)(A). That provision includes danger to self and others. The parties agree, however, that the court’s sole basis for committing appellant was danger to self, and we also understand that to be the court’s sole basis.