

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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

STATE OF OREGON,
Respondent,

v.

S. M.,
Appellant.

Coos County Circuit Court
6605; A162480

Paula M. Bechtold, Judge.

Submitted August 3, 2018.

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

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

Before Hadlock, Presiding Judge, and DeHoog, Judge, and Aoyagi, Judge.

PER CURIAM

Reversed.

PER CURIAM

Appellant seeks reversal of a judgment committing him to the custody of the Mental Health Division for a period not to exceed 180 days. *See* ORS 426.130. In his third assignment of error, appellant contends that the record lacked sufficient evidence that, due to a mental disorder, he was unable to provide for his basic needs.¹ The state concedes that the evidence was insufficient to prove that appellant was unable to meet his basic needs and that the judgment should be reversed. We agree, accept the state's concession, and reverse the judgment.

Reversed.

¹ Our disposition of appellant's third assignment of error obviates the need to address his first and second assignments of error.