

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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

STATE OF OREGON,
Respondent,

v.

J. C. S.,
Appellant.

Lane County Circuit Court
16CC05321; A163137

Maurice K. Merten, Judge.

Submitted June 1, 2018.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jona J. Maukonen, Assistant Attorney General, filed the brief for respondent.

Before Ortega, Presiding Judge, and Garrett, Judge, and Powers, Judge.

PER CURIAM

Reversed.

PER CURIAM

Appellant seeks reversal of a judgment committing him to the custody of the Oregon Health Authority for a period not to exceed 180 days. ORS 426.130. Appellant contends, in an unpreserved assignment of error, that the judgment should be reversed because the trial court failed to inform him, as required by ORS 426.100(1)(c), of some of the possible results of the hearing. The state concedes the error, and we agree that the court's failure to fully comply with ORS 426.100(1) constitutes plain error. *See State v. Ritzman*, 192 Or App 296, 298-99, 84 P3d 1129 (2004) (failure to advise a person directly regarding the rights listed in ORS 426.100(1) or conduct an examination on the record to determine whether a valid waiver of the right to be advised has been knowingly and voluntarily made is plain error). We further conclude that it is appropriate to exercise our discretion to correct the error for the reasons stated in *State v. M. L. R.*, 256 Or App 566, 570-72, 303 P3d 954 (2013) (nature of the civil commitment proceedings, the gravity of the violation, the ends of justice, and the lack of harmless error).¹

Reversed.

¹ Our disposition obviates the need to address appellant's other assignment of error.