

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

In the Matter of E. E. B.,
a Person Alleged to have Mental Illness.

STATE OF OREGON,
Respondent,

v.

E. E. B.,
Appellant.

Multnomah County Circuit Court
16CC05288; A163138

Connie L. Isgro, Judge pro tempore.

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 Adam Holbrook, 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 a judgment committing her to the Oregon Health Authority for a period not to exceed 180 days pursuant to ORS 426.130. She argues that the trial court committed plain error when it failed to fully advise her that the possible results of the proceeding included voluntary treatment or conditional release. *See* ORS 426.100 (1)(c); ORS 426.130(1), (2). The state concedes that, under *State v. M. M.*, 288 Or App 111, 405 P3d 192 (2017), and *State v. M. S. R.*, 288 Or App 156, 403 P3d 809 (2017), the trial court committed plain error that warrants reversal. We agree with the state, accept the concession, and, for the reasons stated in those cases, exercise our discretion to correct the error.¹

Reversed.

¹ Appellant also contends that the evidence was legally insufficient to prove that she was a danger to herself because of a mental disorder. Because we reverse the judgment based on the failure to fully advise appellant of her rights, we need not address that question.