

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

In the Matter of A. P. K., aka A. P. K.,
a Person Alleged to have Mental Illness.

STATE OF OREGON,

Respondent,

v.

A. P. K.,
aka A. P. K.,

Appellant.

Lane County Circuit Court
16CC06843; A163770

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 Rebecca M. Auten, Assistant
Attorney General, filed the brief for respondent.

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

PER CURIAM

Reversed.

PER CURIAM

In this appeal, appellant seeks reversal of a judgment committing him to the Mental Health Division for a period not to exceed 180 days. *See* ORS 426.130. He 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, 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), that it is appropriate to exercise our discretion to correct the error.¹

Reversed.

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