

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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

STATE OF OREGON,
Respondent,

v.

M. M.,
Appellant.

Lane County Circuit Court
17CC03940
A165623

Maurice K. Merten, Judge.

Submitted February 2, 2018.

Alexander C. Cambier 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 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 first assignment of error, appellant contends that the trial court plainly erred when it failed to advise him of the possible results of the commitment hearing as required by ORS 426.100(1). Specifically, he asserts that the trial court plainly erred when it failed to advise him of the possibility of dismissal, voluntary treatment, or conditional release. In response, the state agrees that the trial court failed to advise appellant of the possibility of conditional release or voluntary treatment, and 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's failure to advise appellant of all of the possible results of the proceeding as required by ORS 426.100(1) is plain error and requires reversal. We agree, accept the state's concession, and, for the reasons set forth in *M. M.* and *M. S. R.*, exercise our discretion to correct the error. Our disposition of appellant's first assignment of error obviates the need to address his second assignment of error.

Reversed.