

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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

STATE OF OREGON,
Respondent,

v.

B. H.,
Appellant.

Multnomah County Circuit Court
17CC05624; A166110

Christopher A. Ramras, Judge.

Submitted May 4, 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 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 and an order prohibiting her from purchasing or possessing firearms. 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 As in *State v. R. C. S.*, 291 Or App 489, 490, 415 P3d 1164 (2018), we reverse both the commitment judgment and the order prohibiting appellant from purchasing and possessing firearms. *See also State v. S. F.*, 291 Or App 261, 267 n 1, ___ P3d ___ (2018) (noting subsequent enactment of statutory scheme for extreme risk protection orders concerning deadly weapons, including firearms, now codified as ORS 166.525 to 166.543).