

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

In The Matter of B. V.,
a Person Alleged to have Mental Illness.

STATE OF OREGON,
Respondent,

v.

B. V.,
Appellant.

Multnomah County Circuit Court
17CC05844; A166228

Benjamin N. Souede, Judge.

Submitted April 6, 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 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 under ORS 426.130(1)(a)(C) and an order prohibiting him from purchasing or possessing firearms under ORS 426.130(1)(a)(D). Appellant contends that the trial court plainly erred by failing to advise him of all the “possible results of the proceedings” as required by ORS 426.100(1)(c). The state concedes the error, and we agree that the court’s failure to provide appellant with the information that ORS 426.100(1) requires constitutes plain error. *See, e.g., State v. M. L. R.*, 256 Or App 566, 570-71, 303 P3d 954 (2013) (“[The] failure to provide a person with all of the information required by ORS 426.100(1) constitutes an egregious error that justifies plain error review.”). We further conclude that it is appropriate to exercise our discretion to correct the error for the reasons stated in *M. L. R.*, *id.* at 570-72 (nature of the civil commitment proceedings, the gravity of the violation, the ends of justice, and the lack of harmless error).

In doing so, we reverse both the judgment of commitment and the order prohibiting appellant from purchasing and possessing firearms. *See State v. R. C. S.*, 291 Or App 489, 490, 415 P3d 1164 (2018) (reversing both the commitment judgment and the order prohibiting appellant from purchasing and possessing firearms); *State v. Z. A. B.*, 266 Or App 708, 709, 338 P3d 802 (2014) (“Finding that an individual “is a person with mental illness” is a condition precedent to the issuance of an order prohibiting the purchase or possession of a firearm, ORS 426.130(1)(a)(D).” (Quoting *State v. W. B.*, 264 Or App 777, 778, 333 P3d 1099 (2014).)).¹

Reversed.

¹ In *State v. S. F.*, 291 Or App 261, 267 n 1, ___ P3d ___ (2018), we noted the statutory scheme, enacted subsequent to appellant’s commitment hearing and now codified as ORS 166.525 to 166.543, that provides for extreme risk protection orders concerning deadly weapons, including firearms.