

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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

STATE OF OREGON,
Respondent,

v.

D. D.,
Appellant.

Multnomah County Circuit Court
17CC05978; A166280

Benjamin S. Johnston, Judge pro tempore.

Submitted May 4, 2018.

Joseph R. DeBin and Multnomah Defenders, Inc., filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Cecil A. Reniche-Smith, 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 Oregon Health Authority for a period not to exceed 180 days and an order prohibiting him from purchasing or possessing a firearm based on a finding that he is a “person with a mental illness.” ORS 426.130(1)(a)(C). He contends that the state failed to prove by clear and convincing evidence that, because of a mental disorder, he is both dangerous to self and dangerous to others, ORS 426.005(1)(f)(A).¹ The state concedes that the evidence is legally insufficient to support the involuntary commitment and that the judgment should be reversed. We agree, accept the state’s concession, and reverse the commitment judgment and the order prohibiting the purchase or possession of 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 the appellant from purchasing and possessing firearms).

Reversed.

¹ Our disposition obviates the need to reach appellant’s other assignment of error.