

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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

STATE OF OREGON,
Respondent,

v.

B. L. K.,
Appellant.

Lane County Circuit Court
16CC05234; A166990

Charles M. Zennaché, Judge.

Submitted June 1, 2018.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jordan R. Silk, Assistant Attorney General, filed the brief for respondent

Before Armstrong, Presiding Judge, and Tookey, Judge, and Shorr, Judge.

PER CURIAM

Reversed.

PER CURIAM

Appellant seeks reversal of a supplemental judgment of continued commitment, committing him to the custody of the Mental Health Division for a period not to exceed 180 days. ORS 426.130. Appellant contends that the trial court plainly erred by failing to advise him of all of his rights that are applicable to a recommitment hearing, as required by ORS 426.301(3) and ORS 426.303. The state concedes that, under *State v. M. M.*, 288 Or App 111, 114-16, 405 P3d 192 (2017), and *State v. Montgomery*, 147 Or App 69, 70, 934 P2d 640 (1997), 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. Because we reverse the judgment on that basis, we do not address appellant's first assignment of error.

Reversed.