

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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

STATE OF OREGON,
Respondent,

v.

T. M. W.,
Appellant.

Lane County Circuit Court
18CC05611; A169201

Maurice K. Merten, Judge.

Submitted March 1, 2019.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Hannah K. Hoffman, Assistant Attorney General, filed the brief for respondent.

Before Ortega, Presiding Judge, and Egan, Chief Judge, and Powers, Judge.

PER CURIAM

Reversed.

PER CURIAM

Appellant seeks reversal of a judgment committing her to the Mental Health Division for a period not to exceed 180 days. ORS 426.130. In her first assignment of error, appellant contends that the trial court erred because the record does not contain clear and convincing evidence that appellant is a “person with mental illness.” ORS 426.005 (1)(f). The state concedes that the evidence is legally insufficient to support appellant’s commitment and that the judgment should be reversed. We agree, accept the state’s concession, and reverse the judgment of commitment. Based on that disposition, we do not reach appellant’s second assignment of error.

Reversed.