

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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

STATE OF OREGON,
Respondent,

v.

W. B.,
Appellant.

Multnomah County Circuit Court
20CC04219; A174433

Steffan Alexander, Judge.

Submitted June 29, 2021.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Michael A. Casper, Assistant Attorney General, filed the brief for respondent.

Before Lagesen, Presiding Judge, and James, Judge, and Kamins, Judge.

PER CURIAM

Affirmed.

PER CURIAM

Appellant challenges an order committing him to the custody of the Oregon Health Authority for 180 days. *See* ORS 426.130(1)(a)(C) (authorizing the commitment of a “person with mental illness”). He argues that the evidence at the hearing does not support the finding that he is dangerous to himself or others. *See* ORS 426.005(1)(f)(A) (a person has a “mental illness” if they are dangerous to self or others because of a mental disorder). Because the record contains evidence that appellant has repeatedly walked into moving traffic without looking, causing cars to stop abruptly to narrowly avoid hitting him, and that appellant lacks insight into that behavior, we affirm the trial court’s conclusion that appellant presents a danger to himself. *See State v. S. S.*, 309 Or App 131, 134, 480 P3d 321 (2021) (appellant’s past behavior can demonstrate a highly probable future risk of harm if “(1) the behavior *** caused or risked serious harm and (2) [is] likely to recur.”); *State v. S. R. J.*, 281 Or App 741, 752, 386 P3d 99 (2016) (observing that “past near-misses” of appellant walking into traffic can allow for inference of likelihood of future harm to self).

Affirmed.